



## Salmon Recovery Funding Board Meeting Agenda

**December 13, 2023**  
**Hybrid**

**Location In-Person:** Room 172, First Floor, Natural Resources Building, 1111 Washington Street, SE, Olympia, WA. This public meeting location will allow for the public to provide comment and listen to the meeting as required by the Open Public Meeting Act. This requirement can be waived via [HB 1329](#) if there is declaration of emergency or if an agency determines that a public meeting cannot safely be held. If an emergency occurs, remote technology will be used instead.

**Location Virtually:** [https://us06web.zoom.us/webinar/register/WN\\_uXkMbFE4SUqpqqzHbgkztw](https://us06web.zoom.us/webinar/register/WN_uXkMbFE4SUqpqqzHbgkztw)

**Phone Option:** (669) 900-6833 – **Webinar ID:** 822 5009 2476

*\*Additionally, RCO will record this meeting and would be happy to assist you after the meeting to access the recording.*

**Order of Presentation:** In general, each agenda item will include a staff presentation, followed by board discussion. The board only makes decisions following the public comment portion of the agenda decision item.

**Public Comment:** **General public comment is encouraged to be submitted in advance to the meeting in written form.** Public comment on agenda items is also permitted. If you wish to comment, you may e-mail your request or written comments to [Julia.McNamara@rcو.wa.gov](mailto:Julia.McNamara@rcو.wa.gov). Comment for these items will be limited to three minutes per person.

**COVID Precautions:** Masking is not required at this meeting. Masks and hand sanitizer will be available. The meetings rooms will be set to allow for as much social distancing as possible and air purifiers will be placed throughout.

**Special Accommodations:** People with disabilities needing an accommodation to participate in RCO public meetings are invited to contact Leslie Frank by phone (360) 902-0220 or e-mail [Leslie.Frank@rcو.wa.gov](mailto:Leslie.Frank@rcو.wa.gov).

# Wednesday, December 13, 2023

## OPENING AND MANAGEMENT REPORTS

9:00 a.m.	<b>Call to Order</b> <ul style="list-style-type: none"><li>• Roll Call and Determination of Quorum</li><li>• Review and Approval of Agenda (<b>Decision</b>)</li><li>• Approval of September Meeting Minutes (<b>Decision</b>)</li><li>• Remarks by the Chair</li></ul>	<i>Chair Breckel</i>
9:15 a.m.	<b>1. Director's Report</b> <ul style="list-style-type: none"><li>A. Director's Report (written only)</li><li>B. Legislative and Policy Update</li><li>C. Fiscal Update (written only)</li><li>D. Performance Report (written only)</li></ul>	<i>Megan Duffy Brock Milliern Mark Jarasitis Bart Lynch</i>
9:20 a.m.	<b>2. Salmon Recovery Management Report</b> <ul style="list-style-type: none"><li>A. Governor's Salmon Recovery Office Report</li><li>B. Salmon Section Report (written only)</li></ul>	<i>Erik Neatherlin Jeannie Abbott Marc Duboiski</i>
9:30 a.m.	<b>General Public Comment for Items Not on the Agenda:</b> <i>Please limit comments to 3 minutes.</i>	
9:40 a.m.	<b>3. Partner Reports</b> <ul style="list-style-type: none"><li>• Council of Regions</li><li>• Washington Salmon Coalition</li><li>• Regional Fisheries Enhancement Groups</li></ul>	<i>Alex Conley Mike Lithgow Lance Winecka</i>
<b>BOARD BUSINESS: DECISION</b>		
10:00 a.m.	<b>4. Additional Riparian Policies</b> *Public comment will occur prior to adopting the motion. Please limit comment to three minutes	<i>Kat Moore Nick Norton</i>
10:45 a.m.	<b>BREAK</b>	
<b>BOARD BUSINESS: DECISION</b>		
11:00 p.m.	<b>5. Watershed Plan Recommendation Report</b> *Public comment will occur prior to adopting the motion. Please limit comment to three minutes	<i>Kat Moore Lauren Burnes Hans Berge</i>
12:00	<b>LUNCH</b>	
1:00 p.m.	<b>6. Match Waiver Proposal Options</b> *Public comment will occur prior to adopting the motion. Please limit comment to three minutes	<i>Nick Norton</i>
2:00 p.m.	<b>7. Willapa Coastal Forest Acquisition: Transfer to United States Fish and Wildlife Service Executive Session (if necessary)</b>	<i>Elizabeth Butler Adam Cole David Merchant, AAG</i>

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\***Public comment** will occur prior to adopting the motion. Please limit comment to three minutes

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**3:00 p.m.**

**BREAK**

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**3:15 p.m.**

**8. Development of Large Project List for Funding**

*Nick Norton  
Brock Milliern*

\***Public comment** will occur prior to adopting the motion. Please limit comment to three minutes

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**4:30 p.m.**

**9. Partner Reports**

- Conservation Commission
- Department of Ecology
- Department of Natural Resources
- Department of Fish and Wildlife
- Department of Transportation

*Levi Keesecker  
Annette Hoffmann  
Tom Gorman  
Jeremy Cram  
Susan Kanzler*

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**5:00 p.m.**

**ADJOURN**

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**Next meeting: March 6-7, 2024, Room 172 Natural Resources Building, 1111 Washington Street SE, Olympia, WA 98501 and Online**

## SALMON RECOVERY FUNDING BOARD SUMMARY MINUTES

**Date:** September 13, 2023

**Place:** Hybrid - Room 172, Natural Resources Building, 1111 Washington Street SE; Olympia, WA and online via Zoom

### Salmon Recovery Funding Board Members:

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<b>Jeff Breckel, Chair</b>	Stevenson	<b>Annette Hoffman</b>	Designee, Washington Department of Ecology
<b>Kaleen Cottingham</b>	Olympia	<b>Tom Gorman</b>	Designee, Department of Natural Resources
<b>Chris Endresen-Scott</b>	Conconully	<b>Levi Keesecker</b>	Designee, Washington State Conservation Commission
<b>Joe Maroney</b>	Spokane	<b>Jeremy Cram</b>	Designee, Department of Fish and Wildlife
<b>Vacant</b>		<b>Susan Kanzler</b>	Designee, Washington Department of Transportation

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**This summary is to be used with the materials provided in advance of the meeting. The Recreation and Conservation Office retains a recording as the formal record of the meeting.**

### Call to Order:

**Chair Breckel** called the Salmon Recovery Funding Board (board) meeting to order at 9:01 AM. **Julia McNamara**, Recreation and Conservation Office (RCO) Board Liaison, performed roll call and determined quorum. **Member Susan Kanzler** was absent from this meeting.

**Motion:** Move to approve the **September 13-14 Agenda**.  
**Moved by:** Member **Endresen-Scott**  
**Seconded by:** Member **Cottingham**  
**Approved:** **Approved**

**Motion:** Move to approve the **May 23-24 Meeting Minutes**.  
**Moved by:** Member **Cottingham**  
**Seconded by:** Member **Endresen-Scott**  
**Approved:** **Approved**

**Motion:** Move to approve the **2024 Meeting Calendar**.  
**Moved by:** Member **Cottingham**

**Seconded by:** Member **Endresen-Scott**  
**Approved:** **Approved**

Members discussed the proposed September meeting dates as there were scheduling conflicts with **Members Maroney** and **Endresen-Scott**. **Chair Breckel** recommended approving the proposed calendar and continuing to work on solutions for the September 2024 meeting.

**Chair Breckel** recognized the passing of **Member Jeromy Sullivan** and read a resolution honoring Member Sullivan’s contributions and legacy in salmon recovery. Members of the board shared their memories of Member Sullivan. Vice Chair of the Port Gamble S’Klallam Tribe **Chris Tom** shared a few words in remembrance of Member Sullivan and expressed appreciation to the board for his recognition.

**Motion:** Move to approve the resolution honoring Jeromy Sullivan and his service to the Salmon Recovery Funding Board.  
**Moved by:** Member **Endresen-Scott**  
**Seconded by:** Member **Cottingham**  
**Approved:** **Approved**

*Public Comment*

None.

**Item 1: Director’s Report**

**Director Duffy** recognized the passing of **Ron Shultz** who contributed greatly to conservation and recreation in Washington State. **Member Keesecker** took a moment to reflect on his time working with Mr. Shultz at the Conservation Commission. **Chair Breckel** and **Member Cottingham** reflected on their memories of and time working with Mr. Shultz.

Continuing her report, Director Duffy noted that GSRO is actively hiring an Administrative Assistant 4 position. RCO has hired two new grants managers, one each for recreation and outdoor education; is actively recruiting for an equity coordinator position; and will be recruiting a tribal affairs director in the near future.

Of interest to the board, RCO will participate in:

- The Riparian Roundtable in Yakima October 9-10,
- Meeting with the Council of Regions on October 19,
- Centennial Accord on October 30-31; and,
- The Natural Resources subcabinet meeting on November 8.

Director Duffy and Erik Neatherlin will travel to Washington, D.C. in November for the Pacific Coastal Salmon Recovery Fund (PCSRF) meetings with federal agencies and congressional members.

In a final note on the agenda, Director Duffy shared that staff has received additional feedback on Item 6: Riparian Policies and Funding after the memo was released, particularly regarding regional allocation, and a slide was added to today's presentation for board consideration.

## **Legislative and Policy Update**

**Brock Milliern**, Policy and Legislative Director, shared that the Washington Invasive Species Council has a new Executive Coordinator, Stephanie Helms.

Mr. Milliern provided an overview of supplemental capital funding requests ahead of the 2024 Legislative session, which will include \$20 million for salmon recovery funding, \$7.56 million from the Washington Coastal Restoration and Resilience Initiative (WCRRI), and \$5.78 million for the Community Forest Program (CFP). Notably, capacity of bond funding has been fluctuating, while there is reasonable capacity for Climate Commitment Act (CCA) funding.

Budgets are due to the Office of Financial Management (OFM) on September 13, and the Governor's budget will be released mid-December. The next session begins January 8, 2024, and continues through March 10.

**Member Cottingham** asked if there were projects waiting to be funded through WCRRI. Mr. Milliern noted that there are additional projects that need funding.

## **Item 2: Salmon Recovery Management Report**

### **Governor's Salmon Recovery Office**

**Erik Neatherlin**, GSRO Director, noted the addition of Greer Maier, Science Coordinator, to the GSRO. Ms. Maier was the previous science coordinator for the Upper Columbia Salmon Recovery Funding Board. GSRO staff have been attending events, including the annual Yakima Basin Fish and Wildlife meeting and a mid-August congressional staff tour hosted by the Washington Department of Fish and Wildlife (WDFW), Puget Sound Partnership, and RCO.

GSRO will work with state agencies to develop a supplemental salmon package to be submitted to Governor's Office and OFM in October and will convene the Natural Resources Subcabinet with Governor's Office in November to review 2024 supplemental budget and policy priorities for salmon.

The monitoring panel and subcommittee working on the pilot floodplain project met and decided to continue to scope the pilot to create a one- or two-page scoping document to inform a request for proposal later this fall. Additionally, the monitoring panel and subcommittee decided to focus on better communication between the technical review panel and others. Ms. Maier will assist with both issues.

In a final note, Mr. Neatherlin shared that unobligated funding for regional monitoring will carry forward into next year.

**Tara Galuska**, GSRO Orca Recovery Coordinator, began her briefing by sharing that two orcas have been born in L-Pod, a male and a female.

WDFW is hosting a four-part series of workshops on hatcheries, and Ms. Galuska and Mr. Neatherlin attended the third workshop of the series to present on increasing the prey base for orcas by producing more hatchery fish. The final workshop will be held in November and will primarily discuss adaptive management.

Ms. Galuska shared the sad news of the death of Tokitae, the last remaining Southern Resident Killer Whale (SRKW) being held in captivity, on August 15.

The National Defense Act included a cetacean desk in the Puget Sound for the United States Coast Guard (USCG). This cetacean desk will inform commercial mariners on the presence of SRKWs and other whale species to avoid the impact of ship strikes and vessel noise. Additionally, WDFW advisory committee is underway to implement Senate Bill (SB) 5371, which moved the distance between SRKWs and vessels to 1,000 yards.

Orca Recovery Day will be held on October 14 at Squaxin Park in Olympia. Staff have asked for all salmon recovery and orca recovery partners to register for an event during the month of October to participate in Orca Recovery Day. Partner events can be found on the [Better Ground website](#).

In a final note, Ms. Galuska expressed excitement over a potential collaboration with the Marine Mammal Commission which recently reached out to learn about current local recovery efforts.

### **Salmon Recovery Section**

**Marc Duboiski**, Salmon Recovery Grants Section Manager, introduced the salmon team including two new outdoor grants managers, Kate McLaughlin and John Foltz.

Eighty-four percent of the projects funded across all programs in 2022 are active, and staff are working towards getting those agreements under contract, which should be complete by the end of the year.

Mr. Duboiski directed members of the board to Attachments A and B included in the materials for details on the 2023 Grant Cycle. Since April, staff have worked with sponsors to finalize deliverables and have closed fifty-four projects listed in Attachment A. Attachment B is a list of director-approved amendments, which include time extensions, scope changes, and cost increases.

**Member Cottingham** asked if the full amount of the board's cost increase fund was used. Noting pressure taken off the cost increase fund through Puget Sound Acquisition and Restoration (PSAR) and supplemental funds having been made available, Mr. Duboiski stated that there is still around \$500,000 available. **Chair Breckel** asked what the status of the cost increase fund would be if the supplemental funds were not available. Mr. Duboiski felt that there would be less money available but there would still be some, closer to \$100,000 to \$200,000. Chair Breckel noted that these numbers give the board an idea of what may be needed in the fund in the future.

#### *General Public Comment*

None.

### **BREAK: 10:45 – 11:00 AM**

#### **Item 3: Partner Reports**

##### **Council of Regions**

**Alex Conley**, Council of Regions (COR) Chair, provided brief updates on last quarter's activities, but mostly focused on providing comments on agenda items.

Regarding *Item 5: Alternate Match Proposal*, Mr. Conley asked the board to ignore the option numbers in the materials he provided the board, as they were outdated. COR recommended the board pursue developing a match optional option.

For *Item 6: Riparian Policies Funding*, COR was in strong support of Option One, which allocates money to lead entities and regions.

Finally, COR strongly supports putting the \$4 million that was set aside into the regular grant round, noting that without having a request for proposal (RFP) approved by the board, it is too late to meet the targeted investment (TI) policies. Mr. Conley expressed concern that putting the \$4 million toward riparian projects would risk using Pacific Coastal Salmon Recovery Funds (PCSRF) dollars on projects that would otherwise not be prioritized for PCSRF.



Materials provided by Mr. Conley and COR can be found in the [materials](#) for this meeting.

**Member Cottingham** asked Mr. Conley to elaborate on the final comment he made on PCSRF prioritization. Mr. Conley explained that if the \$4 million were to go to a riparian subgrant program, some riparian projects might receive funding that would not necessarily be Tier One projects for purposes of the tiered framework used by NOAA for PCSRF.

Members of the board discussed the importance of discerning between upland and riparian when funding, and **Member Endresen-Scott** requested that in the future, Mr. Conley provide examples of floodplain and upland projects in his reports.

### **Washington Salmon Coalition**

**Aundrea McBride** provided an update from the Washington Salmon Coalition (WSC), but mostly focused on providing comments on agenda items.

The lead entities have reviewed and were in support of the proposed grant round timeline outlined in *Item 4: Manual 18 2024 Calendar*.

Regarding *Item 5: Alternate Match Proposal*, WSC submitted a letter, included in the [materials](#) for this meeting, and supports the new Option Two, which recommends returning to previous proposals. Additionally, WSC asked that the board remove the match requirement for all project types as proposed in the original option.

For *Item 6: Riparian Policies Funding*, WSC strongly supports Option One and does not support a statewide process, as it does not adequately provide for ranking projects across highly variable regional riparian conditions and needs and will likely marginalize tribal co-managers. Option One will better support the development of strategic, long-term regional and watershed scale riparian planning, restoration, and stewardship.

WSC strongly supports Option Two of *Item 7: 2024 Funding Options* which provides the most flexibility on project types.

**Member Cottingham** asked all the partners to consider if not now, when would there be a TI program.

### **Regional Fisheries Enhancement Groups**

**Lance Winecka**, representing the fourteen Regional Fisheries Enhancement Groups (RFEG) across the state, provided updates for the Regional Fisheries Coalition (RFC), while mainly addressing relevant agenda items.

Regarding *Item 5: Alternate Match Proposal*, RFC continues to support match leverage options.

RFC supports working through lead entities and regions for *Item 6: Riparian Policies Funding*. Mr. Winecka noted that long-term maintenance is proving to be difficult with landowners and asked the board to consider longer maintenance and longer grant agreements.

RFEs are continuing to work with WDFW on an insurance investigation to understand how to cover the risk of project sponsors completing complicated large-scale projects on behalf of the state, without being solely responsible for the risk involved.

**Member Cottingham** commented that when considering long-term contracts, it is important to keep in mind that the money the Legislature provides is only available for two years, and wondered what long-term funding look like would. **Alex Conley** shared that when there is still maintenance left for stewardship grants, the maintenance needs to go into the next stewardship grant and in some instances, projects have gone through multiple series of this. **Aundrea McBride** shared that in Skagit they apply for a second grant for stewardship, adding that they use a database that tracks riparian installations going back as far as 1999, and projects with at least five years of stewardship are doing better than projects that were implemented without any stewardship options. Mr. Winecka emphasized that supporting landowners is essential to the success of projects.

**Chair Breckel** allowed time for Mr. Conley to address **Member Cottingham's** previous comment on TI. Mr. Conley noted that the necessary considerations of TI are funding and lead time and emphasized the importance of beginning this discussion now rather than next September. After the board weighed in, Director Duffy summarized their requests, both of which the board and staff need to start planning for now and bring back to the board in December.

- 1) If the supplemental budget request is successful, regions would need enough time to plan for development projects.
- 2) Going into the 2025-27 biennium with a list like the one used for PSAR large capital projects.

**BREAK: 10:38 PM – 11:00 AM**

#### **Item 4: Manual 18 2024 Calendar**

**Kat Moore** sought approval of Manual 18's 2024 Calendar.

**Motion:** Move to Approve the 2024 Grant Schedule, as shown on Attachment A of Memo 4.  
**Moved by:** Member **Cottingham**  
**Seconded by:** Member **Endresen-Scott**  
**Approved:** **Approved**

*Public Comment*

None.

**LUNCH: 11:38 AM – 1:00 PM**

**Item 5: Alternate Match Proposal**

**This section was presented after Item 8.**

Over the past year, the board has discussed potentially making changes to the existing match policy. Previously, **Nick Norton**, Policy Specialist, presented three options for consideration:

- 1) Make match optional.
- 2) Make match easier.
- 3) Waive match more – for different circumstances, E.g., types of projects.

Mr. Norton provided a detailed analysis of Option Two, make match easier. Changes to the grant agreement, PRISM database, billing, reporting, and contract enforcement would be required under this option.

Mr. Norton continued by explaining that Option Two would ease sponsor burden; do a better job of illustrating the bigger financial picture; and simplify billing. This option could transition to optional match should the board decide to switch to that later. However, the risks associated with Option Two include implementation challenges, alignment issues, less detailed information, less rigorous verification, inability to match federal funds, inflated application numbers, and could undermine compliance.

**Member Cottingham** asked why sponsors would submit different types of information on a bill report. Mr. Norton answered that to prove match, sponsors would be asked to provide the source of the match, rather than a more itemized list of what the match funding was used for; however, sponsors would still be required to explain how board funding was used. In addition, the match funding sources would be unverified, and although this option would make match easier for sponsors, it would also create new strategic, operational, and policy risks, which would not exist under Options One or Three.

**Member Cottingham** asked what the priority was for lead entities, regions, and sponsors. Mr. Norton noted speaking with many groups and individuals over the last year and most support Option One: Make match optional.

**Member Endresen-Scott** asked whether the board could go back to existing policy if Option One was chosen but there was risk of not matching PCSRF funds. Mr. Norton answered that there are steps that could be triggered in that scenario, such as using other existing programs to meet match, or asking some funded projects to become federalized and report match in the old way if needed.

Members discussed the options and various concerns including impacts to RCO's PRISM database, the barrier to small landowners, and level of risk associated with each option. Mr. Norton explained that PRISM would be minimally impacted with Option One versus Option Two. Regarding small landowners, the nature of what can be considered match can create a barrier and some projects do not move forward due to that barrier, and Option Three would help address this. The level of risk was addressed with all three options. Option Two carries the most risk operationally, because outside funding wouldn't be verified as line-item costs and people might inflate proposed match at application then end up bringing less, which would undermine compliance.

**Member Maroney** and Chair Breckel expressed concern over perception with Options One and Three and the ability to show matched funds because total project cost upfront and at completion are a testament to the importance of board funding and funding across the state for salmon recovery projects. Mr. Norton noted that the structure for reporting funding up front and at the end exists but could use some improvement.

**Director Duffy** agreed with the importance of telling a full funding story to the Legislature and Congressional delegation.

**Member Hoffman** suggested a program review of key metrics to determine if Option One is working as intended. **Chair Breckel** noted that the pilot could take three to five years. **Member Endresen-Scott** and **Member Gorman** agree with instituting a backstop. **Members Cram, Hoffmann,** and **Chair Breckel** showed preference for Option One, make match optional. **Member Endresen-Scott** likes this option but would like an exception for land acquisitions. **Member Cottingham** would like to explore this option but rephrase it from "make match optional" to "match is not required but it is expected," and agreed with making an exception for land acquisitions.

**Member Maroney** showed preference for Option Two, make match easier.

Noting the preference for Option One, Mr. Norton offered to conduct a deeper analysis of the option with a focus on risks, legislative impacts, and the potential implications for

specific project types, such as land acquisition. **Member Endresen-Scott** recommended including how much RCO staff time would be saved as part of the analysis to show other efficiencies that Option One would bring.

**Chair Breckel** invited the partners to make brief comments on this subject. **Alex Conley** emphasized the importance of creating a distinction between large and small projects as funded partially or fully by the board. On behalf of COR, Mr. Conley noted that documenting leverage is very important, and having a projected cost in the application is valuable and can be done with all three options. On behalf of the Yakima Basin Fish and Wildlife Recovery Board, Mr. Conley was interested in seeing how acquisitions will be considered within the options. **Sasha Medlin**, RCO Grant Manager, highlighted the \$70 million dollars the Chehalis Basin Strategy received for the biennium, which is a no-match program, indicating that RCO is already providing a no-match program.

Mr. Norton will develop an analysis of Option One: Make Match Optional and present the progress at the December meeting for a decision.

**BREAK: 2:00 – 2:23 PM**

#### **Item 6: Riparian Policies and Funding**

**Nick Norton** provided a brief background on the proviso and the nature of riparian funding. RCO received \$25 million for this biennium to establish a grant program that complements existing board work, and possible additional funding of \$100 million in future biennium. The proviso directs that existing structures, processes, procedures, and policies shall be used in creating the riparian program and additional criteria may be developed. Notably, the Washington State Conservation Commission (SCC) also received \$25 million for a riparian program.

Mr. Norton gave an overview of the key objectives that support the funding and policy decision-making process. These objectives include:

- Provide salmon recovery partners the opportunity to scale up riparian programs.
- Obligating funding in 2024.
- Accommodating a variation in project sponsor capacity.
- Meet the unmet statewide demand for riparian projects.
- Integrate local and regional priorities.
- Use existing processes and procedures.

Staff looked at several funding pathways that have been used in the past to see if they would achieve the objectives. Based on feedback from public comment, Mr. Norton presented the board with four funding options:

- 1) Modified allocation with statewide allocation – each lead entity would receive a direct allocation of a set amount, followed by a regional process with a portion reserved for a statewide competition.
- 2) Equal Lead Entity allocation plus a statewide allocation – each lead entity would receive an equal amount and the rest would remain in a statewide competition.
- 3) All statewide allocation – \$23.87 million would be retained for a statewide competition.
- 4) All regional allocation – All \$23.87 million would be used for regional allocation.

Mr. Norton presented allocation parameters for the board to consider, contingent on which option the board chose:

- No project funding limit for regions or lead entities.
- Funding could be used for 2023 and/or 2024 grant round.
- If money allocated to regions or lead entities is not obligated in 2023 or 2024, it would go into the statewide funding pool to ensure that it is obligated, if there is a statewide component.
- If there is no statewide funding, then lead entities could carry-forward funds to 2025 and/or trade with another lead entity.

Mr. Norton explained the recommended statewide parameters. If there is a statewide allocation, it would happen in the 2024 grant round and have a \$3 million maximum award to ensure that multiple projects are funded through the process without limiting how many projects enter the statewide competition from a lead entity or region. These projects would need to follow Manual 18 and the lead entity schedule and must be on a lead entity project list to be scored by a review panel and ranked by the board. The criteria and process for this is yet to be determined.

Mr. Norton displayed the eligible project types for the board’s consideration that are contingent on the type of allocation the board chooses, noting that the invasive species removal, stewardship, and assessment/inventory categories may want to be limited in a statewide competition.

Project Type Eligible for Riparian Funding	Lead Entity or Regional Allocation Eligibility	Statewide Allocation Eligibility
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Acquisition	Eligible as sole, primary, or secondary project type.	Eligible as sole, primary, or secondary project type.
Riparian Planting	Eligible as sole, primary, or secondary project type.	Eligible as sole, primary, or secondary project type.
Invasive Species Removal	Eligible as sole, primary, or secondary project type.	Eligible as secondary project type only.
Stewardship	Eligible as sole, primary, or secondary project type.	Eligible as secondary project type only.
Assessment/Inventory	Eligible as sole project type.	Not eligible.
Instream and Floodplain Habitat Restoration	Limited work types eligible in 2024 as a supporting element of a riparian planting project.	Limited work types eligible in 2024 as a supporting element of a riparian planting project.

**Member Hoffmann** thought the riparian funding could be an opportunity to merge multiple sources of information. **Member Keesecker** suggested that some of this funding could be used to connect the dots between efforts underway at WDFW and local information that does not currently exist in a database.

Mr. Norton continued, proposing modifications that may be necessary to Manual 18 due to the riparian focus for the funding.

- Acquisitions – limit eligibility to fifty percent or less uplands, which would limit the project scope.
- Riparian Planting – would explicitly allow projects within geographic envelope where all parcels have not been identified and provide five-year agreements to support monitoring and stewardship.
- Assessment and Inventory – waive the \$200,000 regional cap.
- Instream and Floodplain Habitat – must have a riparian planting component; must directly support riparian function; and is limited to beaver dam analogs, post assisted log structures, large woody debris, and streambank stabilization.

Mr. Norton described the general parameters for the riparian funding, noting that all funds are subject to Manual 18 unless otherwise modified; are limited in providing cost increases; would have limited combined funding; allow the option for indirect match to National Oceanic and Atmospheric Administration (NOAA); and waiving match requirements due to the newness of this funding.

Before board discussion, **Chair Breckel** invited partners to share any clarifying information on the options provided by Mr. Norton. **Alex Conley**, on behalf of COR, shared a preference for Option One and Option Four. **Member Endresen-Scott** asked Mr. Conley for his thoughts on an option that had a lead entity and regional allocation. Speaking for himself, Mr. Conley answered that by allocating to lead entities first, followed by regions, more money would go to regions that have more lead entities and eliminate the ability of regions to prioritize projects within their region. Allocating to regions first allows regions to work with lead entities on a sub-allocation.

**Aundrea McBride** noted not having had the opportunity to discuss Option Four so does not know if WSC would prefer Option Four over Option One, which they favored out of the three original options.

**Steve Manlow**, Director of the Lower Columbia Fish Recovery Board (LCFRB), agreed with Mr. Conley's statements, noting a preference for Option One. Mr. Manlow explained that LCFRB believes that prioritizing riparian needs belongs at the regional scale.

**Melissa Speeg**, representing the Puget Sound Region, shared support for Option One and Option Four, and agreed with Mr. Conley's and Mr. Manlow's comments.

**Chair Breckel** posed a modification to Option Four that ensures that within each region each lead entity gets a certain amount of money. **Member Cottingham** suggested adding the \$4 million carry-forward fund to do targeted investments with a riparian priority. **Member Endresen-Scott** said that if there will not be a \$4 million TI round, then the \$4 million should go into the regular 2023 grant round and if sponsors need additional money for riparian, they could get it through there.

**Alicia Olivas**, Hood Canal Coordinating Council, shared that stewardship is of high priority to partners in the Hood Canal region.

**Cheryl Baumann**, North Olympic Lead Entity for Salmon Tracking, emphasized that lead entities are ready to implement funding and those that cannot finish in 2023 can finish projects in 2024.

**Chair Breckel** returned the conversation back to the board. **Member Maroney** expressed concern regarding the inclusion of assessments projects.

In response to **Chair Breckel's** modified Option 4, **Member Cottingham**, **Member Endresen-Scott** and **Member Maroney** shared support. **Member Cram** shared support for the original Option Four, which would give regions the flexibility to allocate on their own.



**Motion:** Move to approve \$23.87 million in riparian specific funding to the regional allocation formula, of which no lead entity shall receive less than \$300,000.

**Moved by:** Member **Cottingham**

**Seconded by:** Member **Endresen-Scott**

**Approved:** **Approved**

Chair Breckel invited the board to discuss the Allocation Parameters. **Member Endresen-Scott** expressed concern with the last parameter regarding carry-forward funds to 2025. **Member Cottingham** reiterated earlier partner comments that expressed concern that some regions may have difficulty using funding by 2024.

**Motion:** Move to approve the proposed allocation policies and general policies with the modification that funding may be used for the 2023 and/or 2024 grant round and general policies for the riparian specific funding as presented in the memo and presented by staff.

**Moved by:** Member **Endresen-Scott**

**Seconded by:** Member **Cottingham**

**Approved:** **Approved**

Members discussed the Eligible Project Types. **Chair Breckel** expressed concern about acquisition, noting it is often expensive and other programs may improve or restore riparian areas. **Member Endresen-Scott** commented that acquisitions should be left up to the regions and watersheds because they know what is necessary.

**Member Cottingham** asked if acquiring distressed land could be paired with a strategy for planting or restoring. **Kat Moore** answered that it is not currently required but could be an opportunity to require a plan for restoration within a certain number of years.

**Member Cram** shared concern about the restriction of work types on instream and floodplain habitat restoration eligible project type, noting there is a missed opportunity to do more holistic riparian restoration. Additionally, Member Cram thought that acquisitions should be included as they allow other types of restoration and cautioned heading down a path of high-maintenance and possibly disconnected projects. **Alex Conley** echoed Member Cram's concerns and noted that the "Riparian Planting" project type should be "Riparian Restoration" to include activities like fencing, alternative water, and setback.

**Alicia Olivas** noted that conversations in Hood Canal on riparian priorities are on the longevity of benefit and type of streams.

**Jill Silver**, 10,000 Years Institute, agreed with Member Cram's and Ms. Olivas' comments. Ms. Silver emphasized the importance of integrating invasive species

management into every step of a project to ensure success. The 10,000 Years Institute has been advocating for ten percent of every project to be allocated towards invasive species management.

**Motion:** Move to approve the eligible project types and associated modifications as described in the memo and presented by staff, but with the following changes: changing "riparian planting" to "riparian restoration"; and regions may use up to ten percent of their riparian allocation for riparian specific assessment and inventory projects.

**Moved by:** Member **Cottingham**

**Seconded by:** Member **Endresen-Scott**

**Approved:** **Approved as amended**

**Member Maroney** supported the change of language for Riparian Planting but expressed concern with assessments being included. **Member Endresen-Scott** would like assessments and inventories to be eligible but suggested adding a limit. **Chair Breckel** suggested that no more than a certain percent could be used for assessment and inventory.

**Amy Hatch-Winecka**, from WRIA Thirteen, emphasized this as an opportunity to update the limiting factor analyses conducted in the 1990s and early 2000s. **Member Hoffmann** noted that this sounded like making an investment to make efficient use of the funding.

**Kat Moore** suggested shifting the \$4 million of unspent funds into the riparian funding for assessments.

Members of the board discussed Ms. Moore's suggestion, and whether to set a percentage cap or a dollar amount cap for assessments. **Member Cram** shared concern that the optics would not look good to tell Legislature that \$5 million was spent on assessments and did not believe that aligns with the Legislative intent. **Member Endresen-Scott** suggested limiting assessments in this round to investigate why assessments do not score well in regular rounds.

**Chair Breckel** suggested that each region could use ten percent of their allocation for an assessment, which would total \$2.4 million.

After further discussion, **Member Cottingham** amended her original motion: "Move to approve the eligible project types and associated modifications as described in this memo with the exception of changing the word 'planting' to 'restoration for riparian planting' and presented by staff" by changing "restoration for riparian planting" to "riparian restoration" and added "regions may use up to ten percent of their riparian allocation for

riparian specific assessment and inventory projects” so that the full amended motion reads as it is written above.

### Public Comment

Public comment is integrated into the conversation above. Public commenters included Cheryl Baumann, Alex Conley, Amy Hatch-Winecka, Steve Manlow, Alicia Olivas, Aundrea McBride, Jill Silver, and Melissa Speeg.

### Item 7: 2024 Funding Options

**Kat Moore** provided an overview of the funding available for the 2024 grant round.

Project Funding Available	
Return Funds Used/Available	\$4,000,000
State Salmon	\$7,800,000
PCSRF 2024 (projected)	\$14,650,000
Riparian	\$23,800,000
Total Funds Available	\$50,250,000

Notably, \$4 million in unspent funds are still available and consist of approximately \$900,000 in state funds and \$3.1 million in federal funds.

Ms. Moore presented four options for distributing the funds:

- Option One: Add the \$4 million to the Riparian Grant program to provide \$27.8 million in riparian funding. Include the entire PCSRF award in the 2024 grant round.
- Option Two: Add the \$4 million to the entire PCSRF award and provide an estimated \$26.45 million SRFB grant round.
- Option Three: Use \$4 million to create a TI grant round. Include the entire PCSRF award in the 2024 grant round.
- Option Four: Use the \$4 million and any PCSRF funds remaining after establishing a \$20 million SRFB grant round for a TI grant round. Based on projected \$14.65 million in PCSRF/Bipartisan Infrastructure Law, there would be a \$6.45 million TI grant round.

**Member Cottingham** asked if there were any projects from the previous TI grant round that were still viable and have not been funded. Ms. Moore answered that projects have been approved and did not believe that there were any projects left unfunded.

Members of the board discussed the options with interest in Options Three and Four, which offered a TI round. **Member Maroney** preferred Option Two.

**Alex Conley** cautioned against rushing into TI, noting that none of the COR are ready for TI in the 2024 grant round. Mr. Conley suggested developing a biennial list. **Steve Manlow** echoed Mr. Conley's comment, emphasizing that sponsors need lead time and certainty of funding amount.

**Member Endresen-Scott** and **Member Cram** shared frustration around funding TI and not having a solution yet. After hearing that partners would not have time to develop TI projects for the 2024 grant round, members leaned toward Option 2. **Chair Breckel** would like to work on a TI list for the 2025-27 biennium.

**Motion:** Move to move the \$4 million to the entire Pacific Coastal Salmon Recovery Fund award and use the total amount for the 2024 grant round.

**Moved by:** Member **Maroney**

**Seconded by:** Member **Cottingham**

**Approved:** **Approved**

**Members Cottingham, Endresen-Scott, and Chair Breckel** would all like to see a TI round within the next biennium.

#### *Public Comment*

Public comment is integrated into the conversation above. Public commenters included Alex Conley and Steve Manlow.

#### **Item 8: State Agency Partner Reports**

**This section was presented after Item 4.**

#### **Washington State Conservation Commission**

**Member Levi Keesecker** provided updates from the Washington State Conservation Commission (SCC). The most pressing issue for SCC is that the Farm Services Agency (FSA) has determined that many contracts in Whatcom County do not meet the standards for the Conservation Reserve and Enhancement Program (CREP), so landowners with contracts for riparian plantings and restorations are facing disenrollment. SCC is working with conservation district partners to reach out to affected landowners to work towards a solution that reduces negative impacts on the landowners. Additionally, SCC is only eligible for so many miles of CREP funding and is working with state agency partners and others to propose approving more miles of CREP from the FSA.

SCC is in the process of hiring an executive director and hopes to begin interviews at the end of the month.

Additionally, SCC is working with a riparian group composed of state agency partners, conservation districts, and other stakeholders to help develop criteria for the riparian funding they received. SCC will engage with RCO so that their riparian approach is complimentary to RCO's funding.

A science hub was funded for the purpose of better quantifying the benefits of conservation practices applied across the landscape and to better communicate the results of monitoring.

Lastly, Member Keesecker relayed Interim Director, Kirk Robinson's sentiments that SCC is looking forward to continuing to work closely with the board and Director Duffy while developing their riparian funding and other projects related to the work that the board and its stakeholders does.

**Chair Breckel** asked what happens if issues are not resolved on the unqualified projects. Member Keesecker shared that they are unsure at this time. Member Cottingham asked what triggered the county-wide determination. Member Keesecker believes it likely came about from an issue with one landowner that uncovered other eligibility issues.

### **Department of Ecology**

**Member Annette Hoffmann** provided an update on the Department of Ecology's (Ecology) Climate Resilient Riparian Grant program, which is about \$30 million of the federal infrastructure funding for Ecology's Shoreline and Environmental Assistance program to support restoration and reach scale investments working with landowners, conservation easements, acquisitions, and restorations. Work on this program will begin in October with new partnerships with the SCC and the Bonneville Environmental Foundation. The funds are expected to be dispersed over six years, and priorities for funding will be established through stakeholder informed processes run by the Climate Resilient Riparian Systems lead. The program will convene workshops on riparian management themes to identify implementation funding needs in certain geographies and highlight investment concepts to incentivize climate resilient riparian restoration. Colin Hume in the Shorelines Program is the point of contact.

Member Hoffman provided an update on the hazard criteria for 6PPD-Quinone (6PPD-Q), which provide specific data requirements and standards to assess chemical safety of alternatives with the long-term goal of finding an alternative to 6PPD-Q that is not lethal to aquatic life. In June, Ecology proposed listing 6PPD-Q as a priority chemical

under the Safer Products for Washington Act, and Ecology expects a final report to be issued in January 2024. Ecology has opened three water quality permits and two stormwater manuals for public comment through November 10. These permits will define the bulk of the stormwater regulatory response over the next five years. Lastly, Ecology has laboratory data that needs to be translated into the real world to find an efficient and effective long-term solution for 6PPD-Q.

Noting the multiple riparian and restoration programs, **Chair Breckel** asked if there is coordination between agencies. **Director Duffy** answered that there is ongoing active engagement among agencies, including the current recruitment of a riparian coordinator for the GSRO.

### **Department of Natural Resources**

**Member Tom Gorman**, Department of Natural Resources (DNR), updated the board on work related to DNR's 2022 supplemental appropriations. DNR received funding for ongoing work related to DNR's Kelp and Eel Grass Health Conservation Plan, which, in cooperation with tribal partners, focuses on locating areas in need of conservation. A report will be submitted to Legislature by the end of 2023.

The derelict vessel removal program received a sustainable source of funding, nearly doubling the number of vessels DNR has been able to remove in the last biennium. Member Gorman noted that, unfortunately, derelict vessels continue to be reported. Additionally, within their Watershed Resilience Action Plan, DNR is working with numerous partners on projects in the Snohomish watershed, including targeted derelict vessel removals, and has hired staff to support this work. Similar to the derelict vessel program, DNR received funding through Senate Bill 5433 for the removal of derelict structures, and currently DNR is working to remove four in the Puget Sound region, though this is a statewide program.

Additionally, DNR received funding for a pilot project to investigate the cost of removing tire piles, formerly known as tire reefs, in the Puget Sound. DNR is working closely with Ecology on this project.

DNR is the co-lead, along with WDFW, for the Habitat Strategy Initiative, which is part of the National Estuary Program. Last year this program held a grant round for around \$13 million, and this year the grant round will be around \$7 million to be targeted at restoration in the Puget Sound.

Member Gorman noted that there are currently five aquatic restoration positions open. Additionally, DNR's decision package will be submitted soon, and Member Gorman hopes to provide an update at the next meeting.

**Member Cottingham** asked if there is a definition for the type of derelict structures being looked at for removal. Member Gorman answered that there are a range of structure types from piling removal to structures that are actively falling into the water.

### **Department of Fish and Wildlife**

**Member Jeremy Cram** shared the funding requests that WDFW will be asking for in upcoming 2024 supplemental session, which include:

- Endangered Species Act (ESA) Regulatory Compliance to fund mandates in biological opinions that allow hatchery operations to operate and meet salmon recovery objectives.
- Coastal Salmonids Management which would expand population viability monitoring and harvest monitoring in fisheries on the coast.
- Two data modernization package upgrades for a public facing portal and a back-end cloud data management.
- Requests to ensure WDFW hatcheries remain consistent on minimizing impact on environment through critical infrastructure maintenance and fish marking that ensures fish being released from hatcheries are marked and healthy when released.

Member Cram noted that through working with GSRO, it was made clear that WDFW has received funding for forty different packages over the last two years, causing funding requests to be light going into this supplemental session.

**WDFW released a Climate Change Refugia project report that includes forested shrub steppe and aquatic habitats. A recently funded climate package for a riparian systems assessment focuses on generating high resolution data across different land use types and creating an engine that can produce meaningful outputs for different questions about land use for riparian habitats. Department of Transportation**

**Member Susan Kanzler** was absent and did not provide a written update.

**RECESS: 5:29 PM**

## SALMON RECOVERY FUNDING BOARD SUMMARY MINUTES

**Date:** September 14, 2023

**Place:** Hybrid - Room 172, Natural Resources Building, 1111 Washington Street SE; Olympia, WA and online via Zoom

### Salmon Recovery Funding Board Members:

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<b>Jeff Breckel, Chair</b>	Stevenson	<b>Annette Hoffman</b>	Designee, Washington Department of Ecology
<b>Kaleen Cottingham</b>	Olympia	<b>Tom Gorman</b>	Designee, Department of Natural Resources
<b>Chris Endresen-Scott</b>	Conconully	<b>Levi Keesecker</b>	Designee, Washington State Conservation Commission
<b>Joe Maroney</b>	Spokane	<b>Jeremy Cram</b>	Designee, Department of Fish and Wildlife
<b>Vacant</b>		<b>Susan Kanzler</b>	Designee, Washington Department of Transportation

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**This summary is to be used with the materials provided in advance of the meeting. The Recreation and Conservation Office retains a recording as the formal record of the meeting.**

### Call to Order:

**Chair Breckel** called the Salmon Recovery Funding Board (board) meeting to order at 8:59 AM. **Julia McNamara**, Recreation and Conservation Office (RCO) Board Liaison, performed roll call and determined quorum. **Member Kanzler** and **Member Maroney** were absent.

### Item 9: 2023 Grant Round

**Marc Duboiski**, Salmon Recovery Grant Section Manager, provided an overview of the 2023 grant cycle. Since February, staff have worked to complete site visits, sponsors have completed applications, and a final ranked list was created. Between now and December, staff will be writing grant agreements. Lead Entities will begin submitting requests in December for 2024 site visits.

Available for the 2023 grant round is:

- \$23 million regular Salmon Recovery Funding Board (SRFB) funds
- \$6.5 million carry-forward supplemental funds



- \$5.5 million carry-forward from Puget Sound Acquisition and Restoration (PSAR) funds

A detailed breakout for each funding source can be found in the meeting [materials](#).

Mr. Duboiski summarized the 2023 cost increase fund, which has \$560,269 remaining, with two or three projects working on requests. Mr. Duboiski emphasized the demand for cost increases as indicated by the \$1.6 million approved by the board for cost increases.

Mr. Duboiski highlighted parts of the materials, including the three regional monitoring project requests, grant applications by project type, and a map of grant application locations. In 2023, there were 153 initial review projects, seventeen were withdrawn for review, and 136 were submitted on ranked lists. Notably, there were no projects of concern submitted. Mr. Duboiski directed the board's attention to Attachment Five to find a list of nineteen conditioned projects, Attachment Six to find the Lead Entity ranked lists, and Attachment Seven for the project descriptions.

**Elizabeth Butler**, Yakima Basin Mid-Columbia Salmon Recovery Region Grants Manager, presented the top ranked project for the Washington Water Trust (WWT), the Teanaway River Trust Water Rights Acquisition ([RCO #23-1197](#)). This project is slated to receive over \$234,000 and is being matched in part with a grant from the National Fish and Wildlife Foundation (NFWF).

**Amee Bahr**, Upper Columbia, Snohomish, and WRIA 8 Grants Manager, presented Chelan Natural Resources' Icicle Creek Instream Flow Restoration project ([RCO #23-1279](#)), which requested \$750,000 in board funding with \$4,633,940 in sponsor match. This project will benefit bull trout, Chinook, and steelhead by significantly improving instream habitat and increasing instream flow.

**Sandy Dotts**, Grants Manager for the Northeast Washington Salmon Recovery Region, presented the Flume Creek Final Design project ([RCO #23-1215](#)). The Kalispel Tribe has requested \$350,000 for this design-only project and will work with Natural Systems Design, who will produce the final design, which will complement ongoing efforts by the Kalispel Tribe and other partners.

**Kendall Barrameda**, Grants Manager for the Snake River Region, presented the Coppei Creek Project Area 07 Restoration ([RCO #23-1022](#)) sponsored by the Walla Walla County Conservation District (WWCCD), which has requested \$540,942 from the board and has \$200,941 in matching funds. Coppei Creek is a Touchet River tributary located in southwest Washington and contains valuable habitat for adult and juvenile salmon and

steelhead. Through this project, WWCD will advance preliminary designs to the final design by 2024 to eventually restore the floodplain, improve hydraulic diversity, restore the riparian habitat, and collaborate with local landowners.

**Bob Wariner**, Grants Manager for the Lower Columbia Region, presented the Salmon Creek Reconnection Design project ([RCO #23-1151](#)) from the Cowlitz Indian Tribe. The Cowlitz Indian Tribe has requested \$298,100 for this design-only project, which is the first phase of a larger restoration project. Salmon Creek provides habitat for Chinook, chum, steelhead, and coho, and is one of the largest coho producers in the Lower Columbia region.

**Alissa Ferrell**, Grants Manager for the Coast Region, presented the Cedar Creek Barrier – Wilhelm Culvert project ([RCO #23-1134](#)), the top ranked project for the North Pacific Coast Lead Entity. The Wild Salmon Center will design and implement the replacement of a fish passage barrier on Cedar Creek, improving access for coho, steelhead, cutthroat, and rainbow trout to upstream habitat. The Wild Salmon Center has requested \$319,288 in board funding and has a match of \$56,665.

**Josh Lambert**, Grants Manager for the Hood Canal Salmon Recovery Region, presented the Little Quilcene Estuarine Delta Conceptual Design project ([RCO #23-1061](#)) sponsored by the Hood Canal Salmon Enhancement Group. This project has requested \$249,760 in board funding and has \$42,250 in matching funds. The design for this proposed restoration will build on previous efforts in the Little Quilcene Estuary and restore estuarine and freshwater habitat for Hood Canal summer chum, Chinook, and steelhead.

**Kay Caromile**, Puget Sound Region Grants Manager, presented the Crabapple-Carpenter Estuary Protection project ([RCO #22-1131](#)) sponsored by the Great Peninsula Conservancy, part of the West Sound Lead Entity. This project will acquire fifty acres of a fifty-seven-acre property, which includes thirteen acres of tide flats, 1,400 feet of stream, and 3,447 feet of estuary shoreline. The Great Peninsula Conservancy has requested \$340,322 in board funding and \$491,920 in Puget Sound Acquisition and Recovery (PSAR) funds, for a total request from RCO of \$832,242.

**BREAK: 10:14 – 10:30 AM**

#### **Item 10: 2023 Grant Round Continued**

**Jennifer O’Neal**, Technical Review Panel (TRP) Co-Chair, briefed the board on observations made by the panel during the 2023 grant round. Members from the TRP

examined the language in Manual 18 and provided recommendations for improvements.

To clarify the design deliverable requirements TRP recommends:

- Including language for split worksites to lessen the confusion for project types that had different elements of the project at different levels of design.
- Strengthening the context language for conceptual designs and structure placement.
- Including designs funded by other sources to evaluate projects.

TRP would like to see adaptive management plans for riparian plantings included in the \$25 million riparian funding. These plans would look at functional metrics like cover and survival rate, require a longer contract period to allow for more maintenance, and include guidance for adapting riparian plantings to climate change.

The TRP completed site visits to evaluate projects; however, some regions and lead entities had virtual visits, which caused difficulty in reviewing. TRP recommends considering in-person site visits for complex projects so that the review panel can properly evaluate project specifics like instream structure placement.

Ms. O'Neal discussed a Stage Zero Standard of Practice, which was discussed previously in 2022. This is a newer approach to restoration that needs a standard of practice to consider public safety issues, measure performance expectations, and expectations for biological effectiveness. This could be a potential collaboration between the board and the TRP similar to the Estuary and Salmon Restoration Program (ESRP) "pre-design projects."

A final observation ties into the riparian process and the Conservation Reserve Enhancement Program (CREP). Current payments to farmers for conservation are lower than what can be made from agriculture which is a disincentive, and the addition of riparian funding makes this a key issue. TRP recommends considering supplementing CREP payments, especially for critical salmon habitat adjacent to higher value croplands and increasing the timespan for protection of buffers.

Members of the board discussed the stage zero projects and developing a standard of practice that prioritizes public safety.

**Member Cottingham** asked if the recommended changes could be integrated into Manual 18 now. **Director Duffy** replied that these could be considered in developing the riparian grant program.

**Steve Toth**, TRP Co-Chair, highlighted three noteworthy projects.

- Middle Skagit Riparian Restoration (Skagit) ([RCO #23-1187](#)) – includes a cost-effective planting approach using climate change adapted species and can be used as an example for other sponsors.
- Howard Lake Road, Upper Klickitat Floodplain (Klickitat) ([RCO #23-1195](#)) – a continuation of a successful approach to reach restoration using wood placements and has been highly effective.
- Lower White Salmon Conservation Acquisition (Klickitat) ([RCO #23-1217](#)) – simple acquisition of 288 acres along the lower 3.3 miles of the White Salmon River.

## Item 11: 2023 Grant Round Overview by Regions

### Lower Columbia Fish Recovery Board

**Denise Smee**, Lower Columbia Fish Recovery Board (LCFRB) Program Manager, provided an overview of the LCFRB, which is one region, one lead entity, and one lead agency under the Watershed Planning Act in southwest Washington. There are seventy-four Endangered Species Act (ESA) listed populations across seventeen watersheds and the estuary, and all Columbia Basin fish use this area for rearing.

In 2023, LCFRB ran three concurrent grant rounds from the Salmon Recovery Funding Board, Cowlitz Restoration and Recovery, and the Storedahl Small Grants Program. This year, LCFRB received \$4.6 million from the board to fund nineteen projects across the region. LCFRB continues to shift towards large and scalable projects.

Looking forward to 2024, LCFRB hopes to continue work on the ongoing Focused Investment Strategy for Habitat (FISH). Recently, LCFRB completed an assessment of landscape changes using high-resolution change detection (HRCD) technology and a survey of land use programs and is now finalizing a population viability update and evaluation of hatchery and harvest reform implementation. This update will help to inform where to focus future habitat investments.

**Member Keesecker** asked if a specific modeling framework was used for the population viability and if this is something that other regions could use. Ms. Smee answered that other regions could use LCFRB's model, but noted it is tailored to the watersheds of the region.

### Upper Columbia Salmon Recovery Board

**Amanda Ward**, Executive Director of the Upper Columbia Salmon Recovery Board (UCSRB), introduced herself to the board before **Dave Hecker**, UCSRB Lead Entity

Coordinator, provided an update from the UCSRB. Work in the Upper Columbia region is focused on four major sub-basins, the Wenatchee, Eniat, Methow, and Okanogan, which are home to three ESA listed species, Upper Columbia spring Chinook salmon, steelhead, and bull trout.

The 2023 grant round provided a unique opportunity to fund a significant number of projects, and sponsors responded by submitting twenty-one proposals across three sub-basins. Of note, the Yakima State Route 207 Highway Realignment Proposal was not funded due to the total cost of the project outweighing the benefit of eight to ten other high-ranked projects being funded. The Yakama Nation Fisheries staff will continue to push forward with this project in the future.

UCSRB approved twelve projects that will be funded with the \$3.9 million in board allocated funds and will total around \$11 million including match and leveraged funds.

**Mr. Hecker emphasized that barrier removal and prioritization of barrier removal in the region continues to be a focus of UCSRB and regional partners. This year considerable updates were made to the regional barrier prioritization tool including the addition of prioritization data in the Okanogan sub-basin. Hood Canal Coordinating Council**

**Scott Brewer**, Executive Director of the Hood Canal Coordinating Council (HCCC), took a few moments to remember late Salmon Recovery Funding Board member Jeromy Sullivan.

HCCC is putting together a petition to delist summer chum east of the Strait of Juan de Fuca from the ESA, citing abundance, productivity, and spatial structure and diversity as positive signs of the species health. HCCC understands that there are two ways to delist, through a petition or a finding by the service that the species is under, which is National Oceanic and Atmospheric Administration (NOAA) Fisheries in this case. There is abundance of summer chum in the Hood Canal and elsewhere, and HCCC has a great ongoing monitoring program to keep an eye on numbers. NOAA will require a minimum five-year monitoring plan after delisting to ensure the species' standing. Mr. Brewer would like to provide details on this process in a future meeting.

Members of the board discussed the significance of delisting a species and planning a communication strategy.

### **Puget Sound Partnership**

**Melissa Speeg**, Puget Sound Partnership (PSP) Salmon Recovery Manager, provided an overview of 2023 board funded projects. PSP received just over \$8.7 million in board

funding for sixty-one projects and had eight fully funded PSAR projects. Ms. Speeg highlighted a diverse range of projects occurring in the region including the Nisqually River Mckenna Reach protection project, WRIA 14 Riparian Restoration, Weeks Point Way County Shoreline Restoration, Middle Fork Nooksack Porter Creek Reach Design, Boeing Levee Setback, and Tafton Floodplain Restoration.

Up to this point, PSP has invested \$368 million in Puget Sound recovery with PSAR funding, which is co-managed by PSP and RCO. Additionally, PSP is working on updating the Puget Sound Salmon Recovery Plan which will be finished in June 2024. PSP received funding to help two watersheds, WRIA 1 and Elwha, update their plans, and PSP plans to update six more over the next two years.

Ms. Speeg highlighted two projects that are nearing completion this year. The Port Susan Bay Restoration effort which began in 2001 will increase critically located habitat area, connectivity, and diversity; improve tidal exchange; and expand freshwater distribution and residence time. The Fall City Floodplain Restoration will remove 2,600 feet of levee which will allow unconstrained natural processes in proximity to 145 acres of floodplain.

### **Coast Salmon Partnership**

**Mara Zimmerman**, Executive Director of Coast Salmon Partnership (CSP), provided an overview for the Washington Coast Region, which includes all watersheds that drain directly into the Pacific Ocean. Ms. Zimmerman shared that in this region, fish numbers have declined, and habitat is damaged. Two species, Lake Ozette sockeye and bull trout, are ESA listed, and petitions have started to list Olympic Peninsula steelhead and Washington Coast spring Chinook.

Coastal recovery work is guided by the Washington Coast Sustainable Salmon Plan which focuses on sustaining salmon runs that will endure as integral parts of the Washington Coast Region's environmental, social, and economic well-being.

Ms. Zimmerman highlighted CSP's 2023 grant round:

- North Pacific Coast Lead Entity will receive \$897,000 for four projects.
- Quinault Indian Nation Lead Entity will have two projects funded with \$558,000.
- Chehalis Basin Lead Entity will receive \$851,000 for four projects.
- Willapa Bay Lead Entity will receive \$681,000 for four projects. Notably, this includes \$251,000 from the Quinault Indian Nation and Chehalis Basin lead entities.

In addition to board funding, the Washington Coast Region has received an additional \$53.5 million from state and federal sources to advance salmon restoration on the coast.

**Chair Breckel** asked about the status on the ESA listing petitions. Ms. Zimmerman believed they may know by mid-October whether NOAA finds the spring Chinook listing warranted, but there was no word on timing for the Olympic Peninsula steelhead.

### **Yakima Basin Fish and Wildlife Recovery Board**

**Michael Horner**, Yakima Valley Basin (YVB) Lead Entity Coordinator, provided an overview of the 2023 grant round for the Mid-Columbia Region. YVB is focused on implementing two recovery actions, the 2009 Yakima Steelhead Recovery Plan and the 2017 Yakima Bull Trout Action Plan. Mr. Horner referred any questions about the Klickitat County Lead Entity ranked list to the Klickitat County lead entity staff.

This year, the Yakima Basin lead entity received ninety-eight percent of the region's allocation at just over \$2.1 million. This allocation will fully fund four projects, partially for one project, and there are five projects listed as alternates on the ranked list.

Mr. Horner highlighted the region's top two ranked projects. The Teanaway River Trust Water Rights Acquisition project aims to acquire instream water rights in the Teanaway. The Yakima River Corridor Plan Phase IIB: Design and Riparian project will create preliminary design for reach-scale floodplain reconnection, maintain riparian and floodplain habitat, and plant seventeen acres of cottonwood. Additionally, YVB is working on recovery actions not funded by the board that range from instream flow negotiations to monitoring projects.

Mr. Horner presented an updated Yakima Basin fish run report, noting that this month under 6,000 adult salmon and steelhead have passed Prosser Dam near the Tri Cities, indicating a continued decline in anadromous fish in the region.

**Chair Breckel** noted that the Snake River Salmon Recovery Board was unable to present due to illness and the Northeast Salmon Recovery Region provided a written report.

**Member Cottingham** asked for a status update on whether the new lead entity in Spokane will receive an allocation. **Director Duffy** said that discussions about the new lead entity have started, and this topic will be presented at a future meeting when the new lead entity has further organized.

### **Item 12: 2023 Grant Round Funding Board Decisions**

**Mark Duboiski** requested approval of regional funding requests from the Salmon Recovery Funding Board (SRFB) and the Puget Sound Acquisition and Restoration

(PSAR). Detail on funding requests can be found in the [2023 Salmon Recovery Grant Funding Report](#).

### Hood Canal Salmon Recovery Region

**Motion:** Move to Approve \$1,687,717 in SRFB funds for projects and project alternates on the Hood Canal Region ranked list, as shown in Attachment 6 (pages 30-31) of the 2023 Salmon Recovery Grant Funding Report dated September 2023.

**Moved by:** Member **Endresen-Scott**

**Seconded by:** Member **Cottingham**

**Approved:** **Approved**

### Hood Canal Salmon Recovery Region

**Motion:** Move to Approve \$434,833 in carryover PSAR funds for projects and project alternates on the Hood Canal Region ranked list, as shown in Attachment 6 (pages 30-31) of the 2023 Salmon Recovery Grant Funding Report dated September 2023.

**Moved by:** Member **Cottingham**

**Seconded by:** Member **Endresen-Scott**

**Approved:** **Approved**

### Middle Columbia (Yakima) River Salmon Recovery Region

**Motion:** Move to Approve \$2,540,013 of SRFB funds for projects and project alternates on the Middle Columbia Recovery Board Region's list shown in Attachment 6 (pages 32, 35-36 of the 2023 Funding Report, dated September 2023. This amount includes \$433,542 of funding for projects in the Klickitat County lead entity.

**Moved by:** Member **Endresen-Scott**

**Seconded by:** Member **Cottingham**

**Approved:** **Approved**

### Washington Coast Salmon Partnership Region

**Motion:** Move to approve \$2,986,925 of SRFB funds for projects and project alternates on the Coastal Region ranked lists, as shown in Attachment 6 (pages 59-63 of the 2023 Salmon Recovery Grant Funding Report dated September 2023.

**Moved by:** Member **Cottingham**

**Seconded by:** Member **Endresen-Scott**



**Approved:** Approved

### Upper Columbia Salmon Recovery Region

**Motion:** Move to approve \$3,858,163 of SRFB funds for projects and project alternates on the Upper Columbia Region ranked list, as shown in Attachment 6 (pages 56-58) of the 2023 Salmon Recovery Grant Funding Report dated September 2023.

**Moved by:** Member **Endresen-Scott**

**Seconded by:** Member **Cottingham**

**Approved:** Approved

### Snake River Salmon Recovery Region

**Motion:** Move to approve \$2,744,052 of SRFB funds for projects and project alternates on the Snake River Region Ranked List, as shown in Attachment 6 (pages 54-55) of the 2023 Salmon Recovery Grant Funding Report dated September 2023.

**Moved by:** Member **Cottingham**

**Seconded by:** Member **Endresen-Scott**

**Approved:** Approved

### Puget Sound Salmon Recovery Region

**Motion:** Move to approve \$8,279,649 of SRFB funds for projects and project alternates on the Puget Sound Region ranked list, as shown in Attachment 6 (pages 38-53) of the 2023 Salmon Recovery Grant Funding Report dated September 2023.

**Moved by:** Member **Endresen-Scott**

**Seconded by:** Member **Cottingham**

**Approved:** Approved

### Puget Sound Salmon Recovery Region

**Motion:** Move to approve the 2023-2025 list of carry-forward Puget Sound Acquisition and Restoration projects, totaling \$5,229,221 in the Puget Sound Region, as listed in Attachment 6 (pages 38-53) of the 2023 Salmon Recovery Grant Funding Report dated September 2023.

**Moved by:** Member **Cottingham**

**Seconded by:** Member **Endresen-Scott**

**Approved:** Approved

## Northeast Washington Salmon Recovery Region

**Motion:** Move to approve \$437,000 for projects on the Northeast Region ranked list, as shown in Attachment 6 (page 37) of the 2023 Salmon Recovery Grant Funding Report dated September 2023.

**Moved by:** Member **Endresen-Scott**

**Seconded by:** Member **Cottingham**

**Approved:** **Approved**

## Lower Columbia River Salmon Recovery Region

**Motion:** Move to approve \$4,600,000 of SRFB funds for projects and project alternates on the Lower Columbia Region ranked list, as shown in Attachment 6 (pages 32-34) of the 2023 Salmon Recovery Grant Funding Report, dated September 2023. This amount includes \$716,458 of funding for projects in the Klickitat County Lead Entity.

**Moved by:** Member **Cottingham**

**Seconded by:** Member **Endresen-Scott**

**Approved:** **Approved**

### *Public Comment*

None.

Regarding the Point No Point Estuary Design Project, **Chair Breckel** acknowledged community correspondence received by the board. Of note, this project is not up for funding, but the design and potential implications have raised concern in the community. **Kay Caromile** provided a brief project status update. The sponsor has held numerous community meetings in the last year and a half and has more planned for this fall. A draft alternative analysis report was completed in August that includes extensive modeling of king tide and other flooding events. Reduction of flooding is an evaluation criterion that is being considered in their alternative selection. Kitsap County has reviewed this analysis, and the technical partners and staff have a meeting set with the county and project sponsor to review the draft alternative analysis. Staff recommended providing the alternate analysis to the community if it has not already been made available. Ms. Caromile has made it clear to the sponsor that they cannot proceed using any RCO funding until the draft analysis has been approved.

**Member Cottingham** asked if the funding for this project was conditioned. Ms. Caromile clarified that funding was not conditioned as it was viewed as a project of concern. **Member Endresen-Scott** requested future updates on this project.

**Motion:** Move to adjourn.  
**Moved by:** Member **Endresen-Scott**  
**Seconded by:** Member **Cottingham**  
**Approved:** **Approved**

*Public Comment*

None.

**ADJOURN: 12:14 PM**

The next regular meeting will be December 13-14, 2023, in Room 172, Natural Resources Building, 1111 Washington Street SE; Olympia, WA and online via Zoom.

DRAFT

## Salmon Recovery Funding Board Briefing Memo

### APPROVED BY RCO DIRECTOR MEGAN DUFFY

**Meeting Date:** December 13, 2023

**Title:** Director's Report

**Prepared By:** Megan Duffy, Recreation and Conservation Office Director; Susan Zemek, Communications Manager; Brock Milliern, Policy Director; Mark Jarasitis, Fiscal Manager; and Bart Lynch, Data Specialist

#### Summary

This briefing memo describes staff and Director's activities and key agency updates including: a legislative update, new staff profiles, news from other Recreation and Conservation Office boards, and a fiscal and performance update.

#### Board Action Requested

This item will be a:

<input type="checkbox"/>	Request for Decision
<input type="checkbox"/>	Request for Direction
<input checked="" type="checkbox"/>	Briefing

### Agency Update

#### Recreation and Conservation Office is Implementing the State's Salmon Recovery Strategy

The Governor's Salmon Recovery Office is working with state agencies, tribal governments, and regional recovery organizations to implement the governor's [statewide salmon strategy](#). Governor Jay Inslee requested the updated strategy in 2021 to renew the State's commitment to restoring salmon populations. Since the strategy was updated, the State has invested more than \$1 billion in salmon recovery, including \$800 million in the 2023-2025 biennial budget. These investments were largely based on the Governor's Salmon Recovery Office's biennial legislative report, [2023-2025 Biennial Work Plan](#), which contains policy and budget recommendations that align with tribal priorities and support regional recovery plans. The biennial work plan and legislative outcomes include investments in habitat restoration projects, new riparian grant programs, programs that build climate resilience, fish passage projects, and programs to manage



predation and address stormwater impacts. The Governor's Salmon Recovery Office has completed a [work plan addendum](#) recommending an additional \$100 million in the 2024 supplemental budget, with a focus on additional salmon recovery projects, riparian mapping, best management practices on agricultural lands, stormwater and wastewater management, hatcheries, and strengthening monitoring and accountability.

### Recreation and Conservation Office Joins Orca Recovery Day

Recreation and Conservation Office (RCO) staff joined the more than forty events hosted across Washington to celebrate the beloved, iconic, and endangered orcas on Orca Recovery Day. Katie Pruitt spoke to nearly one hundred volunteers who gathered to pull weeds in Squaxin Park at the event hosted by the Thurston County Conservation District. There were booths with information from Stream Team, the Washington Department of Fish and Wildlife, and the Puget Sound Estuarium. Katie, on behalf of the Governor's Salmon Recovery Office, spoke about the connections between salmon habitat,



restoration, and orca recovery. Tara Galuska joined a community roundtable on the San Juan Islands hosted by Representative Debra Lekanoff to discuss orca recovery efforts.

### Employee News

**Brittany Engle** joined RCO November 16 as an administrative assistant on the Operations Team. She will be the front desk point of contact helping with 'all things' agency related – room bookings, fleet maintenance, travel, supplies, project imaging, public disclosure, and contract support. Brittany most recently worked for Fred Meyer warehouse as a data entry associate and assistant to the head of maintenance and sanitation. Previously she worked in retail customer service for eight years as well as a merchandising manager for DXL and Sears. When Brittany is not at work, she might be rock hounding, going to concerts or plays, hanging out with friends, or cuddling her two cats. She loves hiking scenic trails, camping under the stars, and going



on road trips. She also is obsessed with all things Disney and has a love for Halloween that lasts the whole year round.

**Erin Souza** moved to the Governor’s Salmon Recovery Office team as the administrative assistant on October 1. In her new role, Erin will provide executive level support for the office’s state and federal affairs, curate digital media for salmon and orca recovery, manage projects and contracts, and provide general office support for the team. Previously, Erin split her time between RCO’s front office and the Governor’s Salmon Recovery Office. Before RCO, she worked as a communications intern with Washington Department of Natural Resources and administrative assistant with the Washington Department of Fish and Wildlife.



### News from the Boards

The **Habitat and Recreation Lands Coordinating Group** met November 16 to address the monitoring report.

The **Invasive Species Council** met September 28 and formally honored councilmember Allen Pleus, who retired from the Washington Department of Fish and Wildlife, and welcomed the appointment of his replacement, former RCO staffer and council executive coordinator Justin Bush. The council heard a presentation from vice-chair Todd Murray of Washington State University on proposed updates to the Prioritization Assessment Tool, such as inclusion of cultural impacts in the scoring methodology. The council supported convening a meeting to provide feedback on the structure of a new working subgroup of technical experts who directly respond to detections and outline specific response protocols for different species. The council met again on December 7 and heard an update from the Washington Department of Fish and Wildlife on Idaho’s quagga mussel eradication efforts, an overview of American bullfrog removal on Kalispel tribal lands, and a summary of the Chronic Wasting Disease Surveillance Program. The council also heard proposed criteria for a Volunteer Recognition Award to celebrate people who help protect all Washinton’s resources against impacts of invasive species.



The **Recreation and Conservation Funding Board** met October 24-25. On the first day, the board toured Jefferson and Clallam Counties, viewing projects such as the Jefferson County Universal Movement Playground and Port Angeles Pumptrack. On the second

day, the board celebrated Chair Ted Willhite’s retirement from the board and approved policy changes to the Youth Athletic Facilities program, including lifting the grant caps for large projects to \$1.5 million and small projects to \$350,000, allowing acquisition-only projects, and not allowing sponsors to use Washington Wildlife and Recreation Program Local Parks grants as match.

## Legislative and Policy Update

Policy staff will provide an overview of agency legislative requests and a timeline for the upcoming legislative session.

## Fiscal Report

The fiscal report reflects Salmon Recovery Funding Board activities as of July 18, 2023.

### Salmon Recovery Funding Board

For July 1, 2023-June 30, 2025, actuals through October 15, 2023 (FM 03). 12.5 percent of biennium reported.

PROGRAMS	BUDGET New and Re- appropriation 2023-2025	COMMITTED		TO BE COMMITTED		EXPENDITURES	
		Dollars	% of Budget	Dollars	% of Budget	Dollars	% of Committed
<b>State Funded</b>							
2015-17	\$1,312,000	\$1,144,136	87%	\$167,864	13%	\$12,000	1%
2017-19	\$2,437,000	\$1,700,827	70%	\$736,173	30%	\$659,489	39%
2019-21	\$2,174,000	\$2,131,182	98%	\$42,818	2%	\$260,173	12%
2021-23	\$23,289,800	\$22,755,257	98%	\$534,543	2%	\$3,360,051	15%
2021-23 Supplemental	\$94,955,618	\$93,519,013	98%	\$1,436,605	2%	\$4,646,668	5%
2023-25	\$16,168,606	\$5,526,264	34%	\$10,642,342	66%	\$569,078	10%
<b>Total</b>	<b>\$140,337,024</b>	<b>\$126,776,679</b>	<b>90%</b>	<b>\$13,560,345</b>	<b>10%</b>	<b>\$9,507,459</b>	<b>7%</b>
<b>Federal Funded</b>							
2018	\$2,924,445	\$2,063,393	71%	\$861,052	29%	\$1,260,477	61%
2019	\$3,521,707	\$3,347,655	95%	\$174,052	5%	\$210,512	6%
2020	\$4,896,590	\$2,264,291	46%	\$2,632,299	54%	\$268,039	12%
2021	\$9,212,259	\$8,747,370	95%	\$464,889	5%	\$947,495	11%
2022	\$17,957,016	\$12,143,967	68%	\$5,813,049	32%	\$986,320	8%
2023	\$24,435,000	\$16,471,214	67%	\$7,963,786	33%	\$0	0%
<b>Total</b>	<b>\$62,947,017</b>	<b>\$45,037,890</b>	<b>72%</b>	<b>\$17,909,127</b>	<b>28%</b>	<b>\$3,672,843</b>	<b>8%</b>

PROGRAMS	BUDGET New and Re- appropriation 2023-2025	COMMITTED		TO BE COMMITTED		EXPENDITURES	
		Dollars	% of Budget	Dollars	% of Budget	Dollars	% of Committed
<b>Grant Programs</b>							
Lead Entities	\$10,981,879	\$6,903,168	63%	\$4,078,711	37%	\$508,889	7%
PSAR	\$122,127,986	\$115,941,890	95%	\$6,186,096	5%	\$6,542,038	6%
<b>Subtotal</b>	<b>\$133,109,865</b>	<b>\$122,845,058</b>	<b>92%</b>	<b>\$10,264,807</b>	<b>8%</b>	<b>\$7,050,927</b>	<b>6%</b>
<b>Administration</b>							
Admin/ Staff	\$10,250,000	\$10,250,000	100%	\$0	0%	\$1,356,731	13%
<b>Subtotal</b>	<b>\$10,250,000</b>	<b>\$10,250,000</b>	<b>100%</b>	<b>\$0</b>	<b>0%</b>	<b>\$1,356,731</b>	<b>13%</b>
<b>GRAND TOTAL</b>	<b>\$346,643,906</b>	<b>\$304,909,627</b>	<b>88%</b>	<b>\$41,734,279</b>	<b>12%</b>	<b>\$21,587,960</b>	<b>7%</b>

*Note: Activities such as smolt monitoring, effectiveness monitoring, and regional funding are combined with projects in the state and federal funding lines above.*



## Performance Update

The following data displays grant management and project impact performance measures for fiscal year 2024. Data included is specific to projects funded by the board and current as of November 7, 2023.

### Project Impact Performance Measures

The following tables provide an overview of the fish passage accomplishments funded by the board in fiscal year 2024. Grant sponsors submit these performance measure data for blockages removed, fish passages installed, and stream miles made accessible when a project is completed and in the process of closing. The Forest Family Fish Passage Program, Coastal Restoration Initiative Program, Chehalis Basin Strategy, Brian Abbott Fish Barrier Removal Board, and the Estuary and Salmon Restoration Program are not included in these totals.

Measure	FY 2024 Performance
Blockages Removed	12
Bridges Installed	1
Culverts Installed	1
Fish Ladders Installed	0
Fishway Chutes Installed	0

Table 1: Blockage Removal and Passage-way Installation projects

So far, twelve salmon blockages were removed this fiscal year (July 1, 2023, to November 7, 2023), and two passageways installed (Table 1). These projects have cumulatively opened six miles of stream (Table 2).

Project Number	Project Name	Primary Sponsor	Funding Program	Stream Miles
<a href="#">21-1342</a>	RFEG 21-23 DFW Funding	Fish & Wildlife Dept of	Salmon State Activities	6.00
<b>Total Miles</b>				<b>6.00</b>

Table 2: Stream Miles Opened

## Grant Management Performance Measures

The table below summarizes fiscal year 2024 operational performance measures as of November 7, 2023

Measure	FY Target	FY 2024 Performance	Indicator	Notes
Percent of Salmon Projects Issued Agreement within 120 Days of Board Funding	90%	<b>86%</b>	●	Sixty-three agreements for board-funded projects were due to be mailed this fiscal year to date. Staff issued fifty-four agreements within 120 days, averaging twenty-four days.
Percent of Salmon Progress Reports Responded to On Time (15 days or less)	90%	<b>89%</b>	●	Two hundred and thirty-nine progress reports were due this fiscal year to date for board-funded projects. Staff responded to 212 in fifteen days or less. On average, staff responded within seven days.
Percent of Salmon Bills Paid within 30 days	100%	<b>100%</b>	●	During this fiscal year to date, 591 bills were due for board-funded projects. All were paid on time.
Percent of Projects Closed on Time	85%	<b>73%</b>	●	Thirty-three board-funded projects were scheduled to close. So far, this fiscal year twenty-four closed on time.
Number of Projects in Project Backlog	5	<b>16</b>	●	Sixteen board-funded projects are in the backlog and need to be closed out.

## Salmon Recovery Funding Board Briefing Memo

### APPROVED BY RCO DIRECTOR MEGAN DUFFY

**Meeting Date:** December 13, 2023

**Title:** Salmon Recovery Management Report

**Prepared By:** Erik Neatherlin, Governor's Salmon Recovery Office Director  
Jeannie Abbott, Governor's Salmon Recovery Office Program Coordinator  
Greer Maier, Governor's Salmon Recovery Office Science Coordinator  
Tara Galuska, Governor's Salmon Recovery Office Orca Recovery Coordinator  
Marc Duboiski, Salmon Section Manager

#### Summary

This memo summarizes the recent work completed by the Governor's Salmon Recovery Office and the Recreation and Conservation Office's Salmon Recovery Section.

#### Board Action Requested

This item will be a:

<input type="checkbox"/>	Request for Decision
<input type="checkbox"/>	Request for Direction
<input checked="" type="checkbox"/>	Briefing

## Introduction / Background

### Federal Affairs

The Recreation and Conservation Office and the Governor's Salmon Recovery Office led a five-state Pacific Coastal Salmon Recovery Fund delegation trip to Washington DC the week of November 13-17. The delegation had state and tribal representatives from Washington, Oregon and Idaho, and met with several federal agencies including National Oceanic Atmospheric Administration, US Fish and Wildlife Service, US Forest Service, US Department of Transportation, and White House Council on Environmental Quality. Each state delegation also met with their own Congressional members and staff. The trip purpose was to continue communication and education about the importance of the Pacific Coastal Salmon Recovery Fund and how this funding source anchors salmon recovery across the west coast. The delegation also reiterated the importance of the Bipartisan Infrastructure Law and Inflation Reduction Act funding and the

opportunities and challenges associated with this once in a generation federal funding for salmon and habitat resiliency.

RCO and GSRO continued to coordinate with the Governor's Office in DC on federal budget and policy issues important for salmon, orca, and habitat resiliency.

### **Governor's Statewide Salmon Strategy**

GSRO submitted the 2024 supplemental salmon budget and policy priorities to the Governor's Office. The priorities are informed by agency budget requests that implement the [governor's salmon strategy](#) and are an addendum to the [2023-2025 Biennial Work Plan](#), which included \$800 million in new investments for statewide salmon recovery. The work plan highlights investments aligned with tribal priorities and/or regional recovery plans.

The proposed supplemental salmon investments total \$100 million in funding to fulfill project lists, ongoing funding to manage capacity, or new funding to address an emerging need, such as leveraging federal dollars. Some highlights include:

- funding to implement regional salmon recovery plans (*Salmon Recovery Funding Board (board) \$20 million*),
- project and monitoring funding for the coast (*\$7.5 million Washington Coast Restoration and Resiliency Initiative*),
- investments in state-owned hatcheries,
- increased capacity to protect state waters (bridge gap in federal Clean Water Act wetland protections),
- address Puget Sound stormwater pollution (6ppd a toxic rubber additive used in tires),
- and authorize federal funding for the Department of Ecology to act as the Puget Sound Climate Resilient Riparian System lead and the Columbia River Basin Toxic Reduction lead (leverage Bipartisan Infrastructure Law and Inflation Reduction Act funding).

GSRO convened the Natural Resources Subcabinet on November 8 to discuss synergistic policies that benefit salmon recovery and build climate resilience and identify federal funding coordination needs to advance salmon, orca, and ecosystem recovery. The Subcabinet meets biannually to ensure agency cross-coordination on key salmon recovery emerging issues and actions and strategy implementation.

In December, GSRO will begin working with the Subcabinet agencies and the Council of Regions on the 2025-2027 Biennial Work Plan.

## **Partner Activities**

GSRO attended the Brian Abbott Fish Barrier Removal Board meeting and field tour in Bellingham in September. The tour visited a series of projects from railroad crossings in the nearshore to sites upstream of I-5.

GSRO Director Erik Neatherlin attended the annual Centennial Accord meeting with RCO Director Megan Duffy in October. Directors Duffy and Neatherlin and Board Chair Jeff Breckel attended the in-person Council of Regions work planning workshop on October 19, hosted by Hood Canal Coordinating Council in Poulsbo. GSRO and the Council of Regions continued their quarterly meetings with the Washington Department of Fish and Wildlife Director and Executive Management Team. These quarterly meetings have deepened the relationship and partnership between the regions and the department on key policy and budget topics.

RCO and GSRO continued to participate in the Governor's Office Riparian Roundtable discussions and the Riparian Working Group meetings.

GSRO attended the Pacific Salmon and Climate Initiative scoping workshop hosted by Long Live the Kings and Pacific Salmon Foundation. The workshop was held in SeaTac and attended by nearly one hundred participants. The goal of the workshop was to bring together policy makers, leaders, and scientists from across the region (California to Alaska) including Tribes and First Nations to scope a path for the long-term resilience of Pacific salmon in the face of a changing climate.

## **Spokane Watershed Lead Entity**

Spokane Watershed Lead Entity is almost ready to request lead entity status. The official name of the lead entity is Spokane Salmon Restoration Collaborative (SSRC). They have also hired a lead entity coordinator.

The package requesting lead entity status has been drafted and includes resolutions supporting the Lead Entity creation from the initiating governments. Resolutions have been received by the Spokane Tribe of Indians, Stevens County, Lincoln County, Spokane County, and the city of Spokane. The final resolution is expected shortly from the Coeur d'Alene Tribe. The Spokane Conservation District and Pend Oreille Conservation District have also submitted letters of support.

Email correspondence with background information was sent to Waverly, Tekoa and Latah, incorporated towns adjacent to Hangman Creek (a tributary of the Spokane River). In addition, staff at the City of Spokane Valley and Pine Creek Conservation District were contacted by phone and follow-up materials provided. The Valley's direct interest in participating is limited to native Redband Trout as salmon did not migrate past Spokane Falls and into the upper reach of the Spokane River where the City of

Spokane Valley is located. All were given the opportunity to schedule an in-person presentation, comment, provide a letter of support, and participate.

Once recognition is received from RCO, the Citizens Committee will be formed and bylaws adopted for the Lead Entity. The technical team continues to develop the Ecosystem Diagnosis and Treatment (EDT) model and identification of habitat projects.

Cramer Fish Sciences (CFS) provided the technical team the report "EDT Data Gaps Analysis and Collection Protocols for The Spokane River Subbasin." After additional updates, a draft final report was issued to the technical team for final input. A final report was then sent to the Spokane Tribe and approved.

In parallel with EDT model development, the technical team is collaboratively identifying and reviewing habitat projects that support native Redband Trout and salmon reintroduction. In this regard, the Spokane Conservation District completed and sent to the technical team a draft design for the Waikiki Spring Creek Restoration and Fish Passage Improvement project on the Little Spokane River. It supports habitat needs for native Redband Trout/salmon reintroduction and is being developed collaboratively with the Spokane Tribe. Its location on the Little Spokane River is near habitat projects being developed by Washington Department of Fish and Wildlife the Lands Conservancy and the Spokane Tribe.

Once the lead entity is established, work will need to begin on funding options and map boundaries. Currently, Northeast region encompasses the Watershed Resource Inventory Areas (WRIA) 53, 54, 58, 60, 61, and 62. Spokane Watershed Lead Entity encompasses WRIA 54, 55, 56, and 57.

Staff expect the following timeline for funding options and approval:

- January-March 2024: staff works with Pend Oreille Lead Entity and Spokane Watershed Lead Entity to determine boundaries
- March-August 2024: staff develops funding options for Spokane Watershed Lead Entity
- September 2024 board meeting: request direction from the board on funding options to consider and develop
- March 2025 board meeting: request decision from the board on final funding option for Spokane Watershed Lead Entity
- June 2025 board meeting: the board sets 2026 grant round, including funding for Spokane Watershed Lead Entity
- January 2026: Spokane Watershed Lead Entity hosts their first grant round

## **Salmon Recovery Conference**

The 2025 Salmon Recovery Conference will be held in Yakima at the Yakima Convention Center on April 28-30, 2025.

## **Monitoring and Evaluation**

The Monitoring Panel met November 6 to workshop the future of monitoring programs. During the meeting, the group developed a draft charter and proposed changing their name to the "Science Advisory Panel" (SAP) to better reflect their role in decision making. They reviewed results from assessment interviews with Panel members and regional directors, deciding to expand the interviews to Salmon Recovery Funding Board members to gather more information on monitoring and evaluation in relation to board decision making and adaptive management. The group started development of a 2024 workplan that includes tasks for moving forward on Intensely Monitored Watersheds, the Floodplain Monitoring Pilot Project and the board's regional monitoring program.

The Monitoring Subcommittee met on November 17 to discuss outcomes from the assessment interviews and Monitoring Panel workshop and their role in task identified in the 2024 SAP Workplan.

## **Orca Recovery**

There are currently seventy-five whales in the population. The Center for Whale Research records the census for the Southern Resident population. They have noted that K34, a twenty-two-year-old male, has not been seen in the last three encounters with his family and is likely deceased, which the Center will confirm on December 31, during the next biannual census.

The Southern Resident Killer Whale Intergovernmental Workgroup will meet in November to discuss the 2024 supplemental budget in relation to the orca task force recommendations and opportunities for collaboration looking ahead.

## **Salmon Recovery Section Report**

### **Assistant Manager Recruitment**

The salmon team is actively recruiting two new assistant section managers – one for board programs and one for partner agency programs. These positions will assist with program management and supervision of the current sixteen-member team. Interviews will be in January 2024.

### **2023 Grant Round**

RCO staff and grant recipients are working on executing contracts for the ninety-five salmon projects funded by the board in September. As of November 13, eighteen are active grant agreements.

### 2022 Grant Round

RCO staff and grant recipients are wrapping up executing contracts for the 160 board and Puget Sound Acquisition and Restoration contracts funded in 2022. As of November 13, 148 are active grant agreements.

### Manual 18 Updates

Most of Manual 18 and the 2024 grant cycle timeline was adopted at the September 2023 board meeting. Staff will present one final update, Item 4: Additional Riparian Policies, for inclusion in the 2024 manual.

## Salmon Recovery Funding Board Grant Administration

The following table shows projects funded by the board and administered by staff since 1999. The information is current as of November 7, 2023. This table does not include projects funded through the Fish Barrier Removal Board, Family Forest Fish Passage Program, the Washington Coast Restoration and Resiliency Initiative, or Estuary and Salmon Restoration Program. Although RCO staff support these programs through grant and contract administration, the board does not review or approve projects under these programs.

**Table 1. Board-Funded Projects**

	Pending Projects	Active Projects	Completed Projects	Total Funded Projects
Salmon Projects to Date	82	387	3,101	3,570
Percentage of Total	2%	13%	85%	

## Strategic Plan Connection

The Salmon Recovery Management Report supports *Goal 2* of the board’s strategic plan, which focuses on the board’s accountability for investments. By sharing information on staff activities and the grant round processes, the board can ensure accountability for the efficient use of resources.

## Attachments

### Closed Projects



**Attachment A: Closed Projects** lists projects that closed between September 13, 2023, and November 7, 2023. Each project number includes a link to information about the project (e.g., designs, photos, maps, reports, etc.). Staff closed out twenty-two projects or contracts during this time.

### **Approved Amendments**

**Attachment B** shows the major amendments approved between September 13, 2023, and November 7, 2023. Staff processed fifty-six cost change amendments during this period.

## Attachment A

## Salmon Projects Completed and Closed from September 13, 2023 - November 7, 2023

Project Number	Sponsor	Project Name	Primary Program	Closed Completed Date
<u>16-1473</u>	North Olympic Salmon Coalition	East Jefferson Summer Chum Riparian Phase 3	Puget Sound Acq. & Restoration	10/18/2023
<u>16-1651</u>	Skagit River System Cooperative	Hansen Creek Reach 5 Restoration	Puget Sound Acq. & Restoration	09/29/2023
<u>17-1254</u>	Pacific Conservation District	Willapa Bay Watershed Culvert Inventory	Salmon State Projects	10/23/2023
<u>18-1444</u>	King County Water & Land Resources	Green River Riparian Revegetation	Salmon State Projects	09/25/2023
<u>18-1483</u>	Swinomish Indian Tribal Community	IMW - Similk Restoration Preliminary Design	Puget Sound Acq. & Restoration	09/19/2023
<u>18-1501</u>	Skagit Fisheries Enhancement Group	2018 Collaborative Skagit Riparian Restoration	Puget Sound Acq. & Restoration	09/20/2023
<u>18-2089</u>	Walla Walla County Conservation District	Cottonwood Creek PALS	Salmon Federal Projects	09/20/2023
<u>20-1052</u>	Columbia Conservation District	Tucannon PA 34.1-34.2 Design	Salmon Federal Projects	09/26/2023
<u>20-1115</u>	Great Peninsula Conservancy	Misery Point Habitat Acquisition	Salmon State Projects	10/27/2023

<b>Project Number</b>	<b>Sponsor</b>	<b>Project Name</b>	<b>Primary Program</b>	<b>Closed Completed Date</b>
<a href="#"><u>21-1013</u></a>	Walla Walla County Conservation District	Mill Creek RM 1.75 Design	Salmon State Projects	10/06/2023
<a href="#"><u>21-1015</u></a>	Walla Walla County Conservation District	Mainstem Touchet Project Area 01 Design	Salmon State Projects	09/27/2023
<a href="#"><u>21-1171</u></a>	Chelan County Natural Resources Department	Nason Crk RM 12 Floodplain Reconnection	Salmon State Projects	10/26/2023
<a href="#"><u>21-1212</u></a>	Clallam County	North Olympic Peninsula LE BN 21-23	Salmon-LE State Contracts	10/24/2023
<a href="#"><u>21-1214</u></a>	Hood Canal Coordinating Council	Hood Canal Regional Salmon Recovery BN 21-23	Salmon Federal Activities	10/23/2023
<a href="#"><u>21-1216</u></a>	Kalispel Tribe of Indians	Pend Oreille LE BN 21-23	Salmon-LE State Contracts	09/22/2023
<a href="#"><u>21-1220</u></a>	Klickitat County	Klickitat County LE BN 21-23	Salmon-LE State Contracts	11/06/2023
<a href="#"><u>21-1227</u></a>	Puget Sound Partnership	Puget Sound Regional Salmon Recovery BN 21-23	Salmon Federal Activities	10/12/2023
<a href="#"><u>21-1228</u></a>	Quinault Indian Nation	Quinault Indian Nation LE BN 21-23	Salmon-LE State Contracts	09/15/2023
<a href="#"><u>21-1238</u></a>	Washington Coast Sustainable Salmon Foundation	Coast Salmon Partnership BN 21-23	Salmon Federal Activities	10/12/2023

<b>Project Number</b>	<b>Sponsor</b>	<b>Project Name</b>	<b>Primary Program</b>	<b>Closed Completed Date</b>
<a href="#"><u>21-1239</u></a>	Walla Walla Community College	Snake River Salmon Recovery BN 21-23	Salmon Federal Activities	10/05/2023
<a href="#"><u>21-1240</u></a>	Yakima Basin Fish & Wildlife Recovery Board	Yakima Basin F&W Recovery Board BN 21-23	Salmon Federal Activities	09/28/2023
<a href="#"><u>21-1342</u></a>	Department of Fish and Wildlife	RFEG 21-23 DFW Funding	Salmon State Activities	10/24/2023

## Attachment B

### Project Amendments Approved by the RCO Director

Project Number	Project Name	Sponsor	Program	Type	Date	Amendment Descriptions
<a href="#"><u>18-1228</u></a>	Dosewallips R Powerlines Acquisition and Design	Jefferson County Public Health	Puget Sound Acq. & Restoration	Cost Change	11/28/2022	Add \$217,945 of 2022 Hood Canal LE Small Supplemental funds awarded by SRFB 9/22/2022. New Agreement total is \$589,119.
<a href="#"><u>18-1291</u></a>	Elwha River Engineered Log Jams - Ranney Reach	Lower Elwha Klallam Tribe	Puget Sound Acq. & Restoration	Cost Change	11/04/2022	\$79,064 cost increase using 2022 supplemental funding from NOPL's allocation. Costs are for CLOMR revision, FEMA permitting requirements.
<a href="#"><u>18-1598</u></a>	Goodman Creek Collapsed Stringer Bridge Removal	Pacific Coast Salmon Coalition	Salmon Federal Projects	Cost Change	07/31/2023	Add \$12,468 in salmon funds and \$1,870 in match to complete construction due to high contractor bids.

<b>Project Number</b>	<b>Project Name</b>	<b>Sponsor</b>	<b>Program</b>	<b>Type</b>	<b>Date</b>	<b>Amendment Descriptions</b>
<a href="#"><u>18-1837</u></a>	Kitsap Nearshore Armor Removal Design & Readiness	Kitsap County	Puget Sound Acq. & Restoration	Cost Change	07/11/2023	This amendment changes the number of designed projects from 4-6 to 3 and increases the grant award by \$9,000 (from \$236,274 to \$245,274). FY19-21 PSAR funds (returned from 18-1472 Little Manzanita 2) are being used to fulfill the cost increase.
<a href="#"><u>19-1116</u></a>	Pacific Pointbar - Acquisition #2	City of Sumner	Salmon Federal Projects	Cost Change	03/15/2023	Correcting the funding source for previous cost increase amendment. Correct funding source for \$1,082,940 is 21-23 PSAR.
<a href="#"><u>19-1219</u></a>	Gobar Pond Restoration Project	Cowlitz Indian Tribe	Salmon Federal Projects	Cost Change	06/16/2023	Increase A&E to 30%

<b>Project Number</b>	<b>Project Name</b>	<b>Sponsor</b>	<b>Program</b>	<b>Type</b>	<b>Date</b>	<b>Amendment Descriptions</b>
<a href="#"><u>19-1346</u></a>	Lower Horn Creek Fish Passage	South Puget Sound Salmon Enhancement Group	Salmon Federal Projects	Cost Change	03/14/2023	Add \$92,000 return 2017-19 PSAR funding (PSP). Increase sponsor match to \$56,000. New project total is \$369,000. RCO Director approved 3/9/2023; PSP approved 2/28/2023. Also, exchange \$120,212.71 of 2019/2021 PCSRF between project 19-1346 and project 21-1032 (cost changed entered). Change PCSRF reporting year for project 19-1346 to 2021.
<a href="#"><u>19-1424</u></a>	Tjossem Ditch -- Improving Salmonid Survival	Trout Unlimited Inc.	Salmon Federal Projects	Cost Change	06/02/2023	Per Amendment 5 to IAA C1800180 (19-17) between Department of Ecology and Recreation and Conservation Office, the Yakima Basin Integrated Plan Funding is increased by \$81,637 to total \$240,947 to afford higher construction costs.

<b>Project Number</b>	<b>Project Name</b>	<b>Sponsor</b>	<b>Program</b>	<b>Type</b>	<b>Date</b>	<b>Amendment Descriptions</b>
<u>19-1446</u>	Ahtanum Village Restoration Design	Confederated Tribes and Bands of the Yakama Nation	Salmon Federal Projects	Cost Change	01/24/2023	In order to address SRFB Technical Review Panel comments on the preliminary design deliverables and extend the performance period through the end of 2023, the Yakama Nation will contribute \$50,000 in match for design and cultural resources consultation, raising the Project Agreement total to \$170,000. The Cultural Resources Consultation Special Condition is updated to reflect the addition of ground disturbing activities in this phase of the project.
<u>19-1489</u>	Lower Wenatchee Instream Flow Enhance Phase II	Trout Unlimited Inc.	Salmon Federal Projects	Cost Change	11/09/2022	Reduce match from 52% to 15% of the grant total. \$33,231 added as the new match total. Adjusting AA&E to 30% based on new match/grant total.



<b>Project Number</b>	<b>Project Name</b>	<b>Sponsor</b>	<b>Program</b>	<b>Type</b>	<b>Date</b>	<b>Amendment Descriptions</b>
<u>20-1008</u>	Minter Creek Conservation Easement	Great Peninsula Conservancy	Puget Sound Acq. & Restoration	Cost Change	12/16/2022	This amendment will reduce match from \$120,000 (53%) to \$97,285 (48%) to reflect actual project costs, which were less than estimated. This amendment also raises the administrative cost limit from \$10,000 to \$10,878 to account for the time and expense necessary to negotiate the terms of the easement.
<u>20-1018</u>	Finn Creek Design	Wild Fish Conservancy	Puget Sound Acq. & Restoration	Cost Change	11/09/2022	This amendment adds \$58,200 of the 2022 state SRFB funding awarded through 22-1098 and down-scopes 20-1018 from completing final designs to instead completing preliminary designs. Final designs will be completed through project 22-1098.

Project Number	Project Name	Sponsor	Program	Type	Date	Amendment Descriptions
<a href="#"><u>20-1081</u></a>	Camp Coweeman Restoration	Lower Columbia Fish Enhancement Group	Salmon Federal Projects	Cost Change	03/16/2023	<p>Additionally, the original 20-1018 proposal included securing a title report and an acquisition purchase or option agreement for a park-adjacent 1.3-acre vacant private parcel. This amendment removes that landowner willingness component from the project since it is now being accomplished in-kind by the park-adjacent landowner and Kitsap County Parks who are working through a land exchange agreement.</p> <p>Sponsor is \$45,250 underbudget for completing the Baird Creek component of this project. They are requesting \$12,250 be added to the AA&amp;E budget and \$33,000 be added to the construction budget. Adding \$45,250 based on this request.</p>

<b>Project Number</b>	<b>Project Name</b>	<b>Sponsor</b>	<b>Program</b>	<b>Type</b>	<b>Date</b>	<b>Amendment Descriptions</b>
<a href="#"><u>20-1086</u></a>	West Oakland Bay Restoration 2020, 2C	South Puget Sound Salmon Enhancement Group	PSAR Large Capital Projects	Cost Change	11/01/2023	Merging PSAR Large Cap funds from 22-1175. Updating sponsor match to 11% by approval from Puget Sound Partnership. New total is \$6,475,931, with sponsor match at \$712,352.
<a href="#"><u>20-1105</u></a>	Skokomish RM 6.5 Restoration Phase 1	Mason Conservation District	Salmon State Projects	Cost Change	02/02/2023	Add 2022 Hood Canal LE SRFB funds of \$1,100,000, allocated as \$817,026 SRFB and \$282,974 Small Supplemental. Sponsor match changes to \$439,493. Agreement total is \$2,412,283.
<a href="#"><u>20-1107</u></a>	Snow Creek Forest Acquisition and Design	Jefferson Land Trust	Puget Sound Acq. & Restoration	Cost Change	08/17/2023	Reduce PSAR funds to \$213,407 and sponsor match to \$74,000. New agreement total is \$287,407. Reduce planning to assessment.

<b>Project Number</b>	<b>Project Name</b>	<b>Sponsor</b>	<b>Program</b>	<b>Type</b>	<b>Date</b>	<b>Amendment Descriptions</b>
<u>20-1113</u>	Lower Big Quilcene River Acquisition	Hood Canal Salmon Enhancement Group	Salmon Federal Projects	Cost Change	11/10/2022	Add, by way of merger, \$167,571 21-23 ESRP funds and project scope from agreement 20-1497 to 20-1113. ESRP Scope of Work is integrated and attached to agreement. All other agreement funding remains the same, increase administration rate to 5%. New agreement total is \$922,221.
<u>20-1119</u>	Snow Creek Uncas Preserve Restoration	North Olympic Salmon Coalition	Salmon State Projects	Cost Change	11/08/2022	Add \$468,065 2022 Hood Canal LE State Supplemental Small funds awarded by SRFB 9/22/2022. New agreement total is \$1,373,844. Sponsor match is waived by RCO Director.

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<u>20-1350</u>	O'Brian Reach Floodplain Reconnection Feasibility	Department of Transportation	Puget Sound Acq. & Restoration	Cost Change	08/21/2023	Adding in \$13,400 of 15-17 PSAR returned funds to accommodate a post-flood high water mark survey and additional stakeholder outreach costs. Additional stakeholder outreach costs cover: many responses to community and attorney, in person meeting with community members, beefed up prep for workshop #2, prepare detailed meeting notes, update website, follow-up listserv emails, and finally added a virtual meeting for feedback. Also adding in \$33,000 of match to maintain a minimum 15% match requirement.

<b>Project Number</b>	<b>Project Name</b>	<b>Sponsor</b>	<b>Program</b>	<b>Type</b>	<b>Date</b>	<b>Amendment Descriptions</b>
<u>20-1367</u>	Debays Slough Feasibility Assessment	Skagit County	Puget Sound Acq. & Restoration	Cost Change	01/25/2023	Adding \$85,741.90 returned 15-17 and 17-19 PSAR funds. PSP letter of approval 11/7/2022. Increase of funds is due to originally underestimated consultant costs and additional costs to finish work with the approved one-year time extension.
<u>20-1386</u>	IMW-Swinomish Channel Ph 3 Tidal Marsh Restoration	Swinomish Indian Tribal Community	Salmon State Projects	Cost Change	07/06/2023	This amendment increases the project funding by \$180,000 of Pacific Salmon Treaty ORCA Habitat funding (NA22NMF43800091) awarded by NOAA in 2022, increasing the total project agreement amount to \$627,274 in order to afford restoration; and the project will no longer be used to match 2020 NMFS PCSRF; and Special Conditions are added.

<b>Project Number</b>	<b>Project Name</b>	<b>Sponsor</b>	<b>Program</b>	<b>Type</b>	<b>Date</b>	<b>Amendment Descriptions</b>
<u>20-1390</u>	West-Middle Fork Teaway Instream Wood Design II	Mid-Columbia Fisheries Enhancement Group	Salmon State Projects	Cost Change	06/08/2023	Per Amendment 5 to IAA C1800180 (19-17) between Department of Ecology and Recreation and Conservation Office, \$172,294 of Yakima Basin Integrated Plan funding is added to this project to afford higher than anticipated Preliminary Design costs, including \$170,000 from Project 9: 20-1527 YBIP Teaway Watershed: instream/floodplain rest; \$2,245 returned from Project 2: 18-1424 Bull Trout Task Force; \$7 returned from Project 3: 18-2105 Little Naches River WS Aquatic Restoration (Design); and, \$42 returned from Project 5: 18-2108 Wapato Reach Restoration.
<u>20-1401</u>	Lower Yakima River Thermal Refuge Habitat Design	Benton Conservation District	Salmon Federal Projects	Cost Change	05/02/2023	For grant 20-1401, change PCSRF grant year online of coding.  Reduce 2020 - \$21,656.21  Increase 2018 - \$21,656.21

<b>Project Number</b>	<b>Project Name</b>	<b>Sponsor</b>	<b>Program</b>	<b>Type</b>	<b>Date</b>	<b>Amendment Descriptions</b>
<a href="#"><u>20-1469</u></a>	Loup Loup Creek Restoration Design	Okanogan Conservation District	Salmon Federal Projects	Cost Change	09/18/2023	Add \$41,651 of Salmon Recovery Funding Board cost increase funds to the project to complete current scope of work. Additional staff time/budget needed to complete Reach Assessment and Scope of Work associated with Prelim Design, administrative tasks, and documentation.
<a href="#"><u>20-1520</u></a>	Middle Nemah Restoration Phase 2 Design	Pacific Conservation District	Salmon Federal Projects	Cost Change	04/21/2023	To remove state funds used for advances.
<a href="#"><u>21-1002</u></a>	Flaming Geyser State Park Riparian Revegetation	King County Water & Land Resources	Salmon Federal Projects	Cost Change	11/17/2022	WRIA 9 LE awarded an additional \$163,018 of 2022 SRFB funds to fully fund the application, bringing the total grant amount to \$295,895. Special Condition #2 relating to partial funding is removed and the new agreement total is \$400,000. Using PCSRF 2022.



<b>Project Number</b>	<b>Project Name</b>	<b>Sponsor</b>	<b>Program</b>	<b>Type</b>	<b>Date</b>	<b>Amendment Descriptions</b>
<a href="#"><u>21-1030</u></a>	Nisqually River McKenna Reach Protection 2021	Nisqually Land Trust	Salmon Federal Projects	Cost Change	11/01/2023	Adding \$266,336 of SRFB funds and \$47,100 sponsor match to increase the project total to \$401,278. Project scope remains unchanged. This amendment is approved through the 2023 grant round.
<a href="#"><u>21-1032</u></a>	Mashel River Habitat Designs RM 0-3	South Puget Sound Salmon Enhancement Group	Salmon Federal Projects	Cost Change	04/10/2023	PCSRF funding exchange: Exchange \$120,212.71 of 2019/2021 PCSRF between project 19-1346 and project 21-1032 (cost changed entered). Change reporting year for 21-1032 to 2019.
<a href="#"><u>21-1034</u></a>	Riparian Enhancement and Knotweed Control 2021	Hood Canal Salmon Enhancement Group	Salmon State Projects	Cost Change	05/04/2023	Increase SRFB grant funding by \$18,050. Match remains the same. New project total is \$269,162

<b>Project Number</b>	<b>Project Name</b>	<b>Sponsor</b>	<b>Program</b>	<b>Type</b>	<b>Date</b>	<b>Amendment Descriptions</b>
<u>21-1052</u>	Springbrook Cr Preserve Protection & Restoration	Bainbridge Island Land Trust	Salmon State Projects	Cost Change	06/02/2023	This amendment uses FY19-21 PSAR funds that were returned to the lead entity to increase the PSAR award by \$36,435 (from \$154,053 to \$190,488) and sponsor match by \$14,819 (from \$494,564 to \$509,383) for a total project cost increase of \$51,254. Project costs exceeded the original cost estimates; higher than budgeted cultural resources and construction costs account for most of the cost increase.

<b>Project Number</b>	<b>Project Name</b>	<b>Sponsor</b>	<b>Program</b>	<b>Type</b>	<b>Date</b>	<b>Amendment Descriptions</b>
<a href="#"><u>21-1058</u></a>	Fletcher Bay Rd Culvert Removal Design	City of Bainbridge Island	Salmon State Projects	Cost Change	08/23/2023	This amendment 1) reduces the scope of work from final design to 30% design, and 2) Increases sponsor match by \$164,295, from \$50,000 to \$214,295. During negotiations with the hired consultant, it became clear that the original budget of \$135,000.00 was substantially undersized and not realistic for a road and culvert project of this size. Available grants plus local funds will allow the city to complete needed surveys and 30% designs.
<a href="#"><u>21-1062</u></a>	Upper Dungeness R Large Wood Restoration Phase III	Jamestown S'Klallam Tribe	Salmon State Projects	Cost Change	11/07/2022	Cost increase to add \$249,500 of the lead entity (NOPL) 2022 supplemental allocation to the project.

<b>Project Number</b>	<b>Project Name</b>	<b>Sponsor</b>	<b>Program</b>	<b>Type</b>	<b>Date</b>	<b>Amendment Descriptions</b>
<u>21-1077</u>	Kachess River Restoration - Phase I	Kittitas Conservation Trust	Salmon State Projects	Cost Change	09/19/2023	This amendment adds \$323,878 of YBIP funding approved by the Yakima Basin Integrated Plan Habitat Sub-Committee bringing the total YBIP funding amount to \$394,914 and the total RCO award amount to \$887,059. This additional increment of YBIP funding will be used to design and construct a new relocated Mineral Creek access road and trailhead off of FS 4600 road, as described in Amendment #5 to IAA C190001 (RCO IAA No. 19-15), attached in PRISM.
<u>21-1101</u>	Dungeness Riparian Recovery Phase III	North Olympic Salmon Coalition	Salmon Federal Projects	Cost Change	11/07/2022	\$25,935 cost increase using 2022 PCSRF funding. This project was partially funded in 2021 and was provided full funding in the 2022 NOPLER ranked list.

<b>Project Number</b>	<b>Project Name</b>	<b>Sponsor</b>	<b>Program</b>	<b>Type</b>	<b>Date</b>	<b>Amendment Descriptions</b>
<a href="#"><u>21-1138</u></a>	Upper Deschutes Conceptual Design	South Puget Sound Salmon Enhancement Group	Salmon Federal Projects	Cost Change	03/31/2023	To add state funds used for advances
<a href="#"><u>21-1144</u></a>	Anton and Cedar Creeks Fish Passage Design	Trout Unlimited Inc.	Salmon Federal Projects	Cost Change	02/28/2023	Increase budget by \$14,000 due to increased design engineering required for federal funds for construction. No additional match required.
<a href="#"><u>21-1148</u></a>	McArdle Bay Shoreline Conservation Easement	San Juan Preservation Trust	Salmon Federal Projects	Cost Change	11/10/2022	Adding \$107,648 in 2022 PCSRF funding to fully fund a partially funded 2021 project. This project was included on the 2022 ranked list for San Juan County LE.
<a href="#"><u>21-1179</u></a>	Restore Lower Peshastin Creek Ph 2 Final Design	Cascade Columbia Fisheries Enhancement Group	Salmon Federal Projects	Cost Change	11/21/2022	Adding \$70,000 of BPA matching funds. Sponsor requested a time extension to allow for cultural resources delays and final wetland delineation and design work. Match needed to extend agreement end date.

<b>Project Number</b>	<b>Project Name</b>	<b>Sponsor</b>	<b>Program</b>	<b>Type</b>	<b>Date</b>	<b>Amendment Descriptions</b>
<u>21-1179</u>	Restore Lower Peshastin Creek Ph 2 Final Design	Cascade Columbia Fisheries Enhancement Group	Salmon Federal Projects	Cost Change	06/19/2023	Add \$57,248 in Upper Columbia State Supplemental funding to allow for staff time, permitting support, and determination of safe floating parameters for the project reach. Delays included Cultural Resources review, CLOMR, and wetland determination. Match is 27.46%.

<b>Project Number</b>	<b>Project Name</b>	<b>Sponsor</b>	<b>Program</b>	<b>Type</b>	<b>Date</b>	<b>Amendment Descriptions</b>
<u>21-1197</u>	Lower Cowiche Floodplain Restoration	Mid-Columbia Fisheries Enhancement Group	Salmon Federal Projects	Cost Change	02/01/2023	This cost increase adds \$15,802 of Sponsor Match and \$87,366 of Salmon State Supplemental awarded to project 22-1527 "Lower Cowiche Floodplain Rest Cost Increase" to fully fund this 21-1197 project. The Yakima Lead Entity included this cost increase on their 2022 SRFB ranked list which was approved for funding by the SRFB on September 22, 2022. The total sponsor match is now \$43,880 and the total SRFB funding is \$246,472, bringing the total Project Agreement amount to \$290,352. The Special Condition pertaining to SRFB Technical Review Panel Design Review is expanded based on the 2022 application review, and the special condition relating to rescoping the project if full funding is not secured, is removed.

<b>Project Number</b>	<b>Project Name</b>	<b>Sponsor</b>	<b>Program</b>	<b>Type</b>	<b>Date</b>	<b>Amendment Descriptions</b>
<a href="#"><u>22-1047</u></a>	Nelsen Side Channel	City of Tukwila	Salmon Federal Projects	Cost Change	08/28/2023	Amendment to add additional money to fully fund a partially funded project. WRIA 9 Lead Entity allocates \$200,000 23-25 PSAR funding (available July 1, 2023) as approved on their 2022 ranked list. \$36,250 of match will be added to maintain the 15% minimum requirement.
<a href="#"><u>22-1057</u></a>	Middle Ohop Creek Protection 2022	Nisqually Land Trust	Salmon State Projects	Cost Change	08/30/2023	Adding \$426,357 of 23-25 Nisqually LE PSAR funding as noted in 2022 Nisqually Lead Entity Ranked List. Add EPA reporting grant (PSP) to allow indirect to be eligible. Reduce sponsor match to \$237,000. New project total is \$1,574,138.
<a href="#"><u>22-1084</u></a>	Johnson Ck Triple Culvert Restoration 2022	North Olympic Salmon Coalition	Salmon State Projects	Cost Change	03/07/2023	Adding \$3,212,638 in 21-23 BAFBRB funding which will replace most of the match.
<a href="#"><u>22-1084</u></a>	Johnson Ck Triple Culvert Restoration 2022	North Olympic Salmon Coalition	Salmon State Projects	Cost Change	07/21/2023	Add \$440,663 in 2023-2025 PSAR funding from the 2022 North Olympic Peninsula LE ranked list.



<b>Project Number</b>	<b>Project Name</b>	<b>Sponsor</b>	<b>Program</b>	<b>Type</b>	<b>Date</b>	<b>Amendment Descriptions</b>
<a href="#"><u>22-1132</u></a>	Coal Creek Fish Passage Restoration	Trout Unlimited Inc.	Salmon Federal Projects	Cost Change	02/07/2023	Adding \$45,000 in 21-23 ASRP opportunistic funds as match. The SRFB dollar amount remains unchanged while match percentage increases from 15.01% to 15.29%. Project total increases slightly from \$293,610 to \$294,310. This amendment also adds ASRP special condition language regarding preliminary design review.
<a href="#"><u>22-1160</u></a>	Evergreen Bulkhead	South Puget Sound Salmon Enhancement Group	Puget Sound Acq. & Restoration	Cost Change	07/27/2023	Per special condition #2, this amendment adds \$133,382 of the lead entity's 23-25 PSAR allocation. This is reflected on WRIA 13's approved 2022 ranked list. The project total increases to: \$183,382.
<a href="#"><u>22-1162</u></a>	Deschutes Tributary Final Design & Implementation	Wild Fish Conservancy	Salmon Federal Projects	Cost Change	08/04/2023	Per special condition #1, this amendment adds \$15,946 of the lead entity's 23-25 PSAR funds. This is reflected in WRIA 13's approved 2022 ranked list. Project total increases to \$161,545.

<b>Project Number</b>	<b>Project Name</b>	<b>Sponsor</b>	<b>Program</b>	<b>Type</b>	<b>Date</b>	<b>Amendment Descriptions</b>
<a href="#"><u>22-1165</u></a>	Boise Creek at Enumclaw Golf Course_Construction	City of Enumclaw	Salmon State Projects	Cost Change	07/31/2023	Adding \$590,171 in 23-25 PSAR as approved on the 2022 Pierce ranked list.  Also updating the match to \$783,849 as requested in the application.
<a href="#"><u>22-1332</u></a>	Armstrong Cr Restoration Barrier Correction Design	Willapa Bay Regional Fisheries Enhancement Group	Salmon State Projects	Cost Change	06/23/2023	Since the 2022 lower reach avulsion, this project will receive an additional \$30,870 in SRFB funds to expand the final design footprint to include the lower reach. RCO Director approved the new project total of \$206,318.
<a href="#"><u>22-1332</u></a>	Armstrong Cr Restoration Barrier Correction Design	Willapa Bay Regional Fisheries Enhancement Group	Salmon State Projects	Cost Change	08/23/2023	Adding \$2,500 of SRFB to cover unanticipated cultural resource costs. Match increases to \$31,400. The project total increases to \$209,270. LE approved.

<b>Project Number</b>	<b>Project Name</b>	<b>Sponsor</b>	<b>Program</b>	<b>Type</b>	<b>Date</b>	<b>Amendment Descriptions</b>
<a href="#"><u>22-1358</u></a>	SFNooksack (Nuxw7iyem) Homesteader Ph2 Restoration	Nooksack Indian Tribe	Salmon State Projects	Cost Change	09/13/2023	Increase cost from \$413,295 to \$513,295 to pay for additional design and modelling needed to comply with unforeseen FEMA CLOMR permitting requirements. \$100,000 will come from WRIA 1's 2022 supplemental state funding carryover.
<a href="#"><u>22-1418</u></a>	Sorensen Shoreline Armor Removal Project - SRFB	Northwest Straits Marine Conservation Foundation	Salmon Federal Projects	Cost Change	07/21/2023	This amendment adds \$150,000 of FY23-25 ESRP funds from project 22-1695, Weeks Point Armor Removal, and reduces sponsor match from \$45,757 to 0. It also adds an ESRP special condition.  The ESRP award requires \$65,757 match, including some non-state match; this requirement is fully met with SRFB funds. The ESRP funds serve as match for SRFB.

<b>Project Number</b>	<b>Project Name</b>	<b>Sponsor</b>	<b>Program</b>	<b>Type</b>	<b>Date</b>	<b>Amendment Descriptions</b>
<a href="#"><u>22-1512</u></a>	Entiat Trib. Baseflow and Hab. Restoration	Cascadia Conservation District	Salmon Federal Projects	Cost Change	08/24/2023	Reduce match from 48% to 15% to allow for a more accurate reflection of costs.
<a href="#"><u>22-1595</u></a>	2022 Skagit Watershed Habitat Acquisition VI (b)	Seattle City Light	Salmon State Projects	Cost Change	07/26/2023	Adding additional money to fully fund a partially funded project. Skagit Watershed Council Lead Entity allocates \$62,120, 23-25 PSAR funding (available July 1, 2023) as approved on their 2022 ranked list. \$10,962 of match will be added to maintain the 15% requirement.
<a href="#"><u>22-1766</u></a>	Skagit Basin Fish Passage Final Designs	Skagit County	Salmon State Projects	Cost Change	10/03/2023	Adding \$958,800 from a direct legislature appropriation out of the state building construction account. Appropriation was \$1,000,000, \$41,200 was reserved by RCO for admin.

## Salmon Recovery Funding Board Decision Memo

### APPROVED BY RCO DIRECTOR MEGAN DUFFY

**Meeting Date:** December 13, 2023

**Title:** Additional Riparian Policies

**Prepared By:** Nicholas Norton, Policy and Planning Specialist  
Kat Moore, Senior Grants Manager

#### Summary

This memo summarizes additional policy development related to the \$25 million in riparian funding received in the 2023-2025 state capital budget and presents proposed final language for a new riparian funding appendix to Manual 18.

Staff is requesting board approval of these final riparian policies (pending any needed administrative changes) in preparation for the 2024 annual grant round.

#### Board Action Requested

This item will be a:

<input checked="" type="checkbox"/>	Request for Decision
<input type="checkbox"/>	Request for Direction
<input type="checkbox"/>	Briefing

### Introduction/Background

The state legislature appropriated \$25 million in new funding from the Natural Climate Solutions Account to the Salmon Recovery Funding Board (board) for the 2023-2025 biennium to administer a grant category specific to riparian areas. At the September 2023 board meeting, the board approved initial policies related to the riparian funding.

Since September, RCO staff has built upon these initial decisions to complete a full proposed suite of riparian policies that would be a new appendix in Manual 18 as part of the 2024 grant round. As part of this second phase of policy development, RCO actively solicited public feedback on a full draft of riparian policies during the month of November. In addition, this draft was shared with tribal natural resource directors with an opportunity for formal comment and to meet with RCO staff to discuss the policy proposal. The feedback received was used to develop the final, proposed policy language for board approval included in Attachment A. Key, notable policy additions are

described in more detail below. In addition, several smaller changes were made in response to public comment that did not rise to the level of being described separately in this memo. These will be described in more detail by staff during the meeting.

## Policy Considerations

Below are some of the key areas of additional policy development that arose in the development of the Manual 18 appendix – Riparian Funding Policies and Guidelines:

- **Riparian Enhancement Plan** – In order to help promote transparency, best practices, and likelihood of success, RCO staff and members of the technical review panel developed guidelines for a Riparian Enhancement Plan, which serves as the “design” recommendations for riparian habitat and stewardship projects. This is incorporated as a fundable project deliverable, with information about when specific elements are recommended for completion during the life of a project.
- **Assessment & Inventory Eligibility** – In September, the board approved limiting riparian specific assessment and inventory to 10 percent of a region’s riparian allocation. As a result, this final policy includes guidance to determine what would count towards this percentage cap, and when assessment and inventory could be used as part of a combination project. Specifically, this final version uses the same approach currently used to track limits on monitoring funds, whereby the 10 percent limit does not apply to projects that involve a combination of assessment/inventories *and* site-specific implementation, where the site-specific portion is the majority of the project.
- **Match** – In September, the board waived match requirements for riparian funding, and required projects with partial funding from other board funds or Puget Sound Acquisition and Restoration (PSAR) program to be subject to the current matching share requirements in Manual 18. Since decisions about the type of funding will be made well after an initial application, this can create uncertainty about match requirements that could disincentivize people to apply for riparian projects. To reduce this uncertainty, this final draft proposes that these types of “blended” projects are only subject to matching requirements for the portion funded by other board funds or PSAR.
- **Instream Eligibility Criteria** – In September, the board approved a policy that limited the type of eligible instream habitat work-types and required that they be a supporting element of a riparian habitat project. Further conversations and

feedback revealed the need to better clarify the specific instream work-types and define the specific circumstances where they would be eligible for inclusion. As a result, this final version has slightly expanded the types of channel structure placement activities that would be eligible and developed three criteria that instream elements would need to meet to request riparian funding.

- **Geographic Envelope Projects** – Currently, certain sponsors apply for acquisition funding within a defined geographic envelope where not all the potential sites have been secured. In September, the board approved also using this approach for riparian planting projects requesting riparian funding. This final policy allows geographic envelope projects for acquisitions, riparian habitat, and stewardship projects, more clearly lays out the requirements associated with applying and managing geographic envelope projects and provides the opportunity to these types of projects to add additional riparian funding for additional work or identified sites if new funding becomes available. Collectively, this provides an opportunity for sponsors to approach riparian work at scale, minimizing the review and capacity burden associated with each individual site, while maintaining comparable technical oversight to current processes.
- **Planning: Design Funding** – The initial list of eligible project types approved by the board did not include consideration of design elements or information on eligibility of design-only projects. However, construction of eligible instream elements would likely require some design work as part of a project agreement to proceed to construction. In addition, the Riparian Enhancement Plan serves as a “design” product in connection with riparian habitat and stewardship projects. This final version explicitly states that design-only projects are not eligible for riparian funding and clarifies when design elements could be included in a riparian project.

## Next Steps

If approved by the board, RCO staff will incorporate this language into Manual 18 in preparation for the 2024 annual grant round.

In addition, RCO staff will also be working to develop a new application type specific to this riparian funding, adding key information regarding riparian project scoping and administration into the annual grant webinar, as well as developing and compiling additional resources for practitioners to help support riparian habitat project success.

## Motions

Move to approve the riparian funding policies as presented by staff and included in Attachment A. RCO staff are authorized to make additional administrative or grammatical changes as needed to finalize these riparian funding policies prior to incorporation into Manual 18.

### **Strategic Plan Connection**

This policy proposal supports aspects of *Goal 1* and *Goal 2* of the board's strategic plan. Specifically, this policy will help ensure that funding best advances the salmon recovery effort, addresses a funding gap that has been developed in coordination with other funders and partners, and will efficiently fund actions that result in economical and timely use of resources for projects, human capital, and monitoring.

<https://rco.wa.gov/wp-content/uploads/2019/07/SRFB-StrategicPlan.pdf>

### **Attachment**

A: Appendix \_: Riparian Funding Policies and Guidelines



## Appendix \_\_. Riparian Funding Policies and Guidelines

### Funding

This program has been funded in part or wholly by Climate Commitment Act associated funding. The Climate Commitment Act (RCW 70A.65) created a market-based program to help reduce greenhouse gas emissions in the next few decades. A portion of the revenues are directed into the Natural Climate Solutions Account and were distributed into several standing grant programs, including this riparian specific program. Funding comes with additional reporting, assessment, and tribal consultation requirements. The Governor’s Office and state agencies plan to engage with tribal governments on how best to meet these requirements. The Recreation and Conservation Office (RCO) will provide any needed guidance to applicants after the tribal government engagement has concluded.

### Core Funding Objective

Enhance salmon recovery through the protection and restoration of fully functioning riparian ecosystems. Riparian projects are defined as those that change riparian areas above the ordinary high water mark and within the flood plain of streams in order to improve the environmental conditions necessary to sustain salmonids throughout their life cycle. This includes marine near-shore, estuaries, wetlands, and lakeshores of connected lakes.

### Available Funding

There is \$23,870,000 available for riparian-specific projects in the 2023-25 biennium. The funding will be allocated to regional salmon recovery organizations according to the allocation table below, provided that no lead entity is allocated less than \$300,000 of this funding.

Regional Recovery Organization	Riparian Allocation	Percent
Coast Salmon Partnership	\$2,284,359	9.57%
Hood Canal Coordinating Council	\$572,880	2.40%
Lower Columbia Fish Recovery Board	\$4,774,000	20.00%
Northeast Washington	\$453,530	1.90%
Puget Sound Partnership	\$9,070,600	38.00%
Snake River Salmon Recovery Board	\$2,014,628	8.44%
Upper Columbia Salmon Recovery Board	\$2,460,997	10.31%
Yakima Basin Fish and Wildlife Recovery Board	\$2,239,006	9.38%

Regional Recovery Organization	Riparian Allocation	Percent
	<b>Total:\$23,870,000</b>	<b>100.00%</b>

## Funding Rounds

This funding may be used for eligible projects, as described below, in the 2023 or 2024 annual Salmon Recovery Funding Board (SRFB) grant rounds. If a lead entity chooses to use funding for projects in the 2023 grant round, sponsors will be given the chance to refine their scopes of work to meet the eligible project types and allowable costs in this program. Note that instream elements may not be added to a 2023 project as part of refining a sponsor's scope of work (see *Riparian: Instream Habitat* section below).

There is no limit on the number of funded projects in a region or lead entity.

If a lead entity is unable to fully obligate its riparian funding after the 2024 grant round, it will be able to either carry the money into 2025 or transfer its allocation to another lead entity.

## General Policies

### Manual 18

Except as modified in this appendix, projects with riparian-specific funding must meet the requirements in [Manual 18: Salmon Recovery Grants](#).

### Project Scope

Except as limited in the "Eligible Project Types" section below, multiple project types eligible for riparian-specific funding may be combined into a single scope of work. Riparian funding cannot be used to partially fund a project with other, non-eligible project elements. Eligible and non-eligible elements of a project must be funded as separate project agreements.

Riparian funding may not be combined with SRFB or Puget Sound Acquisition and Restoration (PSAR) funding unless the work proposed is eligible in both funding sources. Riparian-specific funds are not eligible to match SRFB or PSAR funding, as they are all administered by the SRFB.

### Tracking

RCO will track the riparian-specific funding separately from SRFB funding. RCO will create a separate program in PRISM to track and report on spending.

## Costs Increases

Funding may not be used for cost increases on projects previously funded with SRFB or PSAR money. However, SRFB, PSAR, or riparian-specific funds may be used to pay for cost increases for a project initially funded in whole or in part with riparian-specific funding.

Riparian-specific funding that is returned shall follow the SRFB policies and procedures described in the "Projects Returning Funds" section of this manual, provided it is only reallocated towards project types and elements eligible for riparian-specific funding and is consistent with the limitation on cost increases stated above.

## Indirect

Indirect is only eligible for projects which have a federal nexus from RCO. This means the grant agreement must include federal PCSRF funding or state funding which RCO is reporting to NOAA, or the Puget Sound Partnership is reporting to the EPA. RCO may use a portion of the riparian-specific funding to fulfill its match obligation for PCSRF funds, such that it is reported to NOAA. RCO will work with the grant sponsors to identify which projects need indirect and take that into account when determining which source of funding each project will receive.

## Match

Projects funded solely with riparian funding do not need matching funds. However, if a project includes both riparian-specific funding and funding from SRFB or PSAR, the portion of project funding provided by SRFB or PSAR will be subject to the matching share requirements in the "Matching Share" section of Manual 18.

## Multi-Site Projects

Applicants may propose eligible riparian work on multiple properties with different landowners. If an applicant identified all the properties where work will occur and secured landowners prior to application, each property must be included as "properties" in the PRISM application along with a Landowner Acknowledgement Form for each.

## *Geographic Envelope Projects*

An applicant planning to work on multiple sites or reaches, but has not secured all properties in advance, should identify an appropriate geographic envelope where they intend to work. At a minimum, applicants for geographic envelope projects must provide a map showing all possible parcels where the work will occur. These parcels should provide similar benefits to fish, certainty of success, and conservation values so that they are effectively interchangeable when being evaluated for funding. An applicant

will clearly describe how to prioritize/pursue parcels for implementation and include any previous assessment(s) that informed the proposed approach.

For geographic envelope projects, enter the Landowner Acknowledgment Forms into PRISM for one or more of the top priority properties. Add these top priority sites as “properties” in the PRISM application.

Geographic envelope projects present an ongoing responsibility for contract management and cultural resources review. RCO will amend the grant agreement when the sponsor identifies new properties and provides landowner agreements. RCO must complete cultural resources consultation on any property added to the grant agreement before any site-specific work can occur.

Previously reviewed and funded geographic envelope projects eligible for riparian funding may, in subsequent years, request additional riparian funding to either increase the area restored or protected within the geographic envelope, or to add funds if the initial project was partially funded. Any additional work must occur on previously identified sites within the previously approved geographic envelope (i.e. the sites have already been reviewed). Sponsors must work with their grants manager to determine the appropriate pathway for such a request.

### **Eligible Project Types**

Only the project types and specific elements described below are eligible to receive riparian-specific funding. These eligible project types and elements may be combined as described in the table below.

<b>Project Type and Element</b>	<b>Combination Project Eligibility</b>
Acquisition	May be proposed as a sole, primary, or secondary project type.
Restoration–Riparian Habitat	May be proposed as a sole, primary, or secondary project type.
Restoration–Site Stewardship	May be proposed as a sole, primary, or secondary project type.
Restoration–In-stream Habitat	May only be proposed as a secondary, supporting element of a riparian habitat project.
Planning–Design	May only be proposed as needed to support construction of eligible in-stream elements, or the preparation of elements of a Riparian Enhancement Plan.
Planning–Assessment and Inventory	May only be proposed as a sole project type, except for approved combination projects that require assessment

**Project Type and Element****Combination Project Eligibility**

as a necessary precursor to a majority site-specific restoration or acquisition project.

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### Acquisition

Only acquisition projects with 50 percent or less uplands are eligible for riparian-specific funding. The area proposed for riparian funding may be part of a larger acquisition that includes more uplands; however, the area purchased with riparian-specific funding may only include 50 percent uplands. For this purpose, uplands are those areas that fall outside of riparian, lake, tideland, or wetland habitat, as more specifically defined in Manual 18, Appendix L.

Acquisition projects with more than 50 percent uplands continue to be eligible for regular SRFB or PSAR funds and follow the matching share requirements described in the "Matching Share" section. All acquisition projects are subject to the policies and eligible costs in *Manual 3: Acquisition Projects*.

### Restoration: Riparian Habitat

Riparian habitat projects include activities above the ordinary high water mark and within the floodplain of streams in order to improve the environmental conditions necessary to sustain salmonids throughout their life cycle. This includes marine near-shore, estuaries, wetlands, and lakeshores of connected lakes. Activities may include planting vegetation, managing invasive species, grazing management, water gap development, or fencing to control livestock, vehicle, and foot traffic in protected areas.

### Eligible Costs

Information about eligible elements and costs may be found in *Manual 5: Restoration Projects*. In addition, riparian habitat projects may request funding for temporary, on-site nursery development or off-site nursery operations to the extent needed to provide plant materials for the requested scope of restoration work.

### Deliverables

To promote restoration best practices and likelihood of success, RCO strongly recommends that a full Riparian Enhancement Plan (see below) or comparable planning documentation be completed before application site visits. At a minimum before application site visits, applicants are expected to provide information about existing site conditions and restoration objectives, conceptual site preparation and planting methods, as well as supporting plan maps for priority sites or sites already identified. Exceptions to this expectation may be made on a case-by-case basis. Note that

preparation of elements of a Riparian Enhancement Plan represents an eligible pre-agreement cost (see Planning: Design section below).

### *Riparian Planting Projects*

#### Buffer Width Standard

RCO developed buffer width standards for forested and dryland ecoregions for projects where riparian planting is the primary purpose; see Appendix K for a full description. For forested eco-regions, the standard is one, 200-year Site Potential Tree Height measured from the edge of the active channel or active floodplain. For dryland ecoregions, the standard is the greater of 200-year Site Potential Tree Height (if available), the width of the riparian vegetation community, or 100 feet. These buffer standards are synonymous with the riparian management zone, or the area with potential to provide full riparian functions.

Some projects may not be able to meet these buffer width standards, due to landowner willingness or site constraints. Sponsors are strongly encouraged to apply even if their projects do not meet these standards. If a project does not meet the buffer width standards, the SRFB Review Panel will evaluate the project based on the site-specific conditions and determine whether the proposed buffer width will provide riparian function, provide a benefit to salmon recovery, and achieve goals as articulated in the regional recovery plans. Furthermore, for streams listed for temperature on the 303(d) list, if sponsors cannot meet buffer widths, they must provide 1) adequate justification as to why the project still restores riparian function and 2) a letter of support from a technical expert as further described in Appendix K.

If a project with riparian planting as the primary purpose is funded in part with SRFB or PSAR in addition to this riparian funding and does not meet these buffer standards, a 15 percent match requirement would apply to the portion of the project funded by SRFB or PSAR.

#### Agreement Periods

Upon request, riparian planting projects are eligible for a grant agreement period of up to five years to support monitoring and maintenance of the planted area. Monitoring, maintenance, and adaptive management elements will be reimbursable after completion of planting activities and RCO review of proposed monitoring, maintenance, and adaptive management approaches included in a Riparian Enhancement Plan or other comparable document.

### *Invasive Plant Removal/Control*

Invasive species control must directly contribute to establishment, survival, or protection of established native riparian vegetation to benefit salmonid recovery. If invasive species control is being proposed for riparian funding as the sole project activity, applicants must clearly demonstrate how salmonid recovery represents the primary management objective and why invasive species control alone represents the best pathway to achieve or improve native plant establishment and riparian function at the site.

### *Restoration: Site Stewardship*

An applicant may propose stewardship for previously installed riparian habitat site(s). If the original project is failing significantly to meet objectives (e.g. greater than 50 percent mortality), technical reviewers shall determine whether a new riparian habitat project should be proposed instead of stewardship.

Eligible activities in stewardship projects may include managing invasive species, replacing unsuccessful plantings, supplementing the site with water, and installing fences or other browse-protection methods. RCO encourages sponsors to follow the guidance for riparian buffer widths in Appendix K.

### *Deliverables*

If an applicant requesting funding for stewardship of previous sites has a site-specific plan that meets some or all the Riparian Enhancement Plan expectations (see below), please include this past work as part of the application. If not, RCO strongly recommends completion of these plan elements to codify the technical background that justifies the proposed stewardship work, as well as to create a clear plan for longer-term maintenance and adaptive management. Note the preparation of elements of a Riparian Enhancement Plan for a stewardship project represents an eligible administrative cost pre-agreement and prior to closing (see *Planning: Design* section below).

At a minimum, stewardship applicants are expected to provide information about stewardship objectives, conceptual proposed management activities, and supporting maps for identified or priority sites before application site visits. Exceptions to this expectation may be made on a case-by-case basis.

### *Restoration: In-stream habitat*

Riparian planting is eligible within the active channel above baseflow to support restoration objectives. Additional eligible in-stream work types are limited to the following:

- Beaver dam analogs
- Channel structure placement (anchored or unanchored log placement, post-assisted log structures, engineered log jams, large woody materials, root wads, anchored or unanchored rocks/boulders, weirs, gabions, flood fencing, deflectors/barbs)
- Streambank stabilization (see Manual 18, page 22 for additional criteria associated with streambank stabilization projects)

These additional work types are eligible for funding only under the following circumstances:

- The primary goal of the proposed project is to restore riparian function by supporting native riparian plant survival, and the project has a planting component directly associated with the in-stream elements.
- Application and existing designs clearly demonstrate why current conditions are not suitable for a planting-only project and show how the in-stream activities restore riparian function or allow for increased riparian plant propagation and survival.
- The in-stream elements meet current Appendix D design deliverable thresholds based on the amount requested for restoration and design, and construction will be completed by project closing.

Applicants planning to submit a project for riparian funding that involves instream work types are highly encouraged to connect with their grant manager to ensure the project meets the eligibility requirements for this funding. Applicants must provide the required design deliverables associated with the instream elements as part of a final application and before site visits. In-stream elements may not be added to a 2023 project as part of refining a sponsor's scope of work.

#### Planning: Design

Design-only projects are not eligible for riparian funding.

Design elements are eligible for riparian funding to the extent required to support construction of eligible instream elements (see *Restoration: Instream Habitat* section above) within the grant agreement period. Applicants should work with their grants manager to determine what additional design deliverables would be required prior to construction of instream elements.



In addition, a Riparian Enhancement Plan serves as a “design report” associated with riparian habitat and stewardship projects (see *Riparian Enhancement Plan* section below). Costs associated with preparing elements of this plan are eligible for reimbursement as part of a project’s allowable administrative and A&E budget and are allowable pre-agreement costs that can be reimbursed upon execution of the grant agreement. Applicants should track those pre-agreement costs accordingly.

### Planning: Assessment and Inventory

Assessment and inventory projects must be riparian-specific and lead directly to the development of actionable projects. In general, these projects are larger scale (reach or watershed level), standalone projects that provide the foundational plan for implementation work. For example, assessment and inventory projects may document and evaluate habitat quality and use, identify the extent and nature of problems and habitat deficiencies, identify and prioritize riparian habitat restoration and/or protection activities to address these issues, or evaluate landowner willingness to participate in riparian restoration and/or protection activities. An applicant should clearly demonstrate the coordination with local, regional, and statewide riparian prioritization initiatives.

No region may use more than 10 percent of its riparian allocation to fund riparian-specific assessment and/or inventory projects. This 10 percent limit does not apply to combination projects that involve assessment and/or inventory elements *and* site-specific riparian restoration or acquisition work. However, the inventory or assessment elements must be a minority of the project and an essential precursor to the proposed site-specific work (ex. prioritizing parcels for planting or acquisition within a geographic envelope project). Otherwise, site-specific restoration or acquisition projects should plan on budgeting elements like landowner outreach and feasibility into allowable administration or A&E budgets.

Applicants will need to contact their grant manager if they plan to propose a combination project that includes riparian specific assessment and/or inventory elements.

### Riparian Enhancement Plan

The Riparian Enhancement Plan (REP) serves as a standard design report and visual design plan tailored to the short and long-term methods used to restore degraded riparian areas and support successful establishment of functional riparian habitat. The REP serves as an adaptable, long-term plan developed at the initial implementation phase and submitted for future phases of stewardship funding until a project site is fully established.

Though sponsors may use similar techniques and approaches across project sites and watersheds, the plans are site-specific and created for all separate sites (typically at the landowner level) in a funded project. Geographic envelope projects will produce REPs for top priority properties and subsequently for properties incorporated during an active project.

To help further support applicants and sponsors, RCO provides several resources on its website, including a Riparian Enhancement Plan example, planting plan guidance, and guidance for adaptive management.

### Plan Elements

RCO strongly encourages an applicant to submit an REP with as many of the required elements as possible two weeks before the application site-visit to allow technical reviewers to effectively evaluate a project's impact and likelihood of success. At a minimum, applicants must provide conceptual drafts of elements one through five by the site visit deadline and additional detail as requested through the technical review by the final application deadline.

The table below lists the key elements of a plan including when, at a minimum, each element is expected in connection with either a riparian habitat or stewardship project. Ideally, applicants requesting funding for stewardship of existing riparian habitat enhancement sites will already have the site-specific planning work and elements to meet this requirement. If an REP does not exist for a proposed stewardship project, the applicant is expected to include the REP elements described above, by the application deadline.

Riparian Enhancement Plan Element	Riparian Habitat Project (initial construction)	Riparian Stewardship Project
1 Existing Conditions Assessment	Draft by application site visit, final prior to restoration*	If original conditions assessment available, attach by application site visits. Include an update of current conditions by application site visit.
2 Restoration Objectives	Draft by application site visit, final prior to restoration	If original objectives available, attach by application site visits. Include an update if they have changed by application site visit.

Riparian Enhancement Plan Element	Riparian Habitat Project (initial construction)	Riparian Stewardship Project
3 Plan Map	Draft by application site visit, final prior to restoration	<p>If available, provide original project maps. Provide updated maps of stewardship activities if helpful by application site visits.</p> <p>(If original maps not available, create a map of estimated original planting area prior to application site visits)</p>
4 Site Preparation Methods	Draft by application site visit, final prior to restoration	<p>If original site preparation information available, attach by application site visits.</p> <p>(If not available, instead focus on Post-Implementation maintenance, #7 below)</p>
5 Riparian Planting Methods	Draft by application site visit, final prior to restoration	<p>If original planting methods available, attach by application site visits</p> <p>(If not available, instead focus on Post-Implementation maintenance, #7 below)</p>
6 Implementation Monitoring	Draft after completion of restoration, final by closing	<p>If original monitoring plan available, attach by application site visits. Provide update on monitoring results by application site visits.</p> <p>If not available, development of implementation monitoring approach due by closing</p>
7 Post-Implementation Maintenance	Draft after completion of restoration, final by closing	<p>If available, attach by application site visits</p> <p>If not available, development of post-implementation maintenance (aka stewardship activities) due prior to starting stewardship activities</p>

Riparian Enhancement Plan Element	Riparian Habitat Project (initial construction)	Riparian Stewardship Project
8	Adaptive Management	Draft after completion of restoration, final by closing  If available, attach by application site visits  If not available, adaptive management approach due prior to closing
9	As-Built Documentation	Before closing  If original as-built documentation is available, attach by application site visits.
10	Stewardship Activity Report	N/A  Description of final stewardship activities due prior to closing

\* Materials are due two weeks prior to application site visit

## Element Descriptions

### 1. Existing Conditions Assessment

Describe the existing conditions of the project area. Include the following details as appropriate:

- The current level of conservation protection of the project site (e.g. publicly owned, nonprofit fee ownership, conservation easements) or future conservation protection plans in process.
- The current land use of the riparian area.
- Climate: precipitation and aridity zone
- Water quality concerns including 303(d) listed impairments or TMDL directives
- If temperature is a limiting factor, describe the stream reach's aspect (cardinal direction), channel width, location in the watershed, surrounding topography and how, if feasible, the riparian area at your project site addresses the impacts of temperature
- Condition of native plant community and its successional stage.
- Overview of soil types and their conditions from current or previous land use.

- Overview of site ground and surface hydrology and condition. Discuss potential irrigation demand, including climate change considerations. Anticipated flood frequency or inundation zones.
- Local and surrounding topography and channel migration zone as it influences riparian function.
- Access for equipment and crews.
- Other local constraints to achieving riparian establishment and long-term restoration such as onsite or adjacent land use or natural processes.

## 2. Restoration Objectives

Use SMART objectives (Site specific, Measurable, Achievable, Relevant, Timebound) to define the riparian ecosystem functions to be restored and tie them to site-specific limiting factors for salmon that use the site. Define what performance measures will be used to determine successful establishment outcomes via implementation monitoring. The example table below is one way to illustrate objectives and link them to performance measures.

Enhancement Methods	Primary Objective	Secondary Objective	Time-Based Performance Measures
Control of invasive plants (site preparation), ten acres planted, mixed deciduous and conifer	Future large woody material recruitment to support instream habitat complexity for rearing and sorting gravel for salmon spawning	Invasive weed suppression to promote native riparian plant diversity	<ul style="list-style-type: none"> <li>• X% planting survival at five years</li> <li>• X% ground cover at fifteen years</li> <li>• Dominant conifers measure at least X" DBH at fifteen years</li> <li>• &lt;X% invasive species cover suppression at twenty years</li> <li>• Dominant conifer species thinned to #/acre with established native understory at twenty-five years</li> </ul>
Two hundred acres alder thinned, planted conifer understory	Provide thermal protection of stream to reduce summer rearing mortality	None	<ul style="list-style-type: none"> <li>• Alder density reduced to X/acres at five years</li> <li>• X% planting survival at five years (i.e. trees, shrubs, herbaceous ground cover, grasses, sedges, rushes)</li> <li>• #/acre density and X% cover of conifer at fifteen years</li> <li>• Dominant conifer species thinned to #/acre at twenty-five years</li> </ul>

### 3. Plan Map

The plan map serves as the project's restoration design drawings. Individual plan maps illustrate site preparation and enhancement activities in detail (e.g., plant removal, soil preparation, beaver dam analogs, large woody materials, bank shaping, planting, overstory thinning). However, at a minimum, a plan map illustrates the expected post-restoration implementation condition. Important elements of a plan map or maps include the following:

- Property boundaries
- Labelled surface water features and floodplain extent
- Site elevations relative to the channel
- Existing functional vegetation that will remain as part of the activities
- Recent aerial imagery
- Map scale and delineated site potential tree height, if applicable
- Polygons or other visual representation of restoration activities (e.g., planting, in-stream elements, fencing, etc.)
- Delineate different habitat zones (e.g. gravel bar, shoreline, riparian, terrace, wetland, upland)
- Monitoring information if applicable (e.g., photo points, transects)
- Legends as necessary

### 4. Site Preparation Methods

Describe the site preparation needed as part of the overall riparian establishment objectives, including preparation type, methods used, frequency, and expected duration. In some cases, these elements may be the only necessary actions before moving into a maintenance phase (e.g., alder thinning with adequate conifer understory). In other cases, initial preparation can take years before an activity such as planting is possible (e.g., knotweed monoculture). Provide a plan map and/or design-level plans (Appendix D) of significant site preparation elements as necessary. Examples include the following:

- Invasive plant control (e.g., mechanical, chemical, hand)
- Soil preparation (e.g., ripping, disking), amendments (mulching, etc.)

- Overstory species thinning (e.g., alder conversion, pre-commercial thinning)
- Other project elements, such as in-stream work (e.g., beaver dam analogs for better site hydrology) or agricultural best management practices (e.g., fencing, off-stream water) that must be implemented initially to support effective riparian establishment.

## 5. Riparian Planting Methods

If riparian planting is a component of the project, provide the following detail:

- Species list, separated by plant community zones if more than one on site. For each zone provide the following information:
  - Describe if using seed and stock sourced from across the species' geographic and elevational range.
  - Stock type (seed, bareroot, potted + age or size class)
  - Quantity and planting density for each species and/or planting zone
- Planting method(s)
- Planting season(s)
- Herbivory protection or exclusion
- Sun and wind protection (shade cloth)
- Irrigation and watering installation
- Other methods as appropriate

## 6. Implementation Monitoring

Implementation monitoring, or the process of tracking performance of riparian establishment activities, is an eligible expense as part of a restoration or stewardship project. Describe the methods and metrics used to track how the project's SMART restoration objectives are performing. Consider how the performance measures may change as a riparian project matures with time and further stewardship and maintenance activities. RCO compiled resources of standard techniques on its website. Examples include the following:

- Annual counts on set transects to estimate percent survival and invasive species cover.

- Densimeter or drone imagery to assess canopy cover/light penetration.
- Photograph points to illustrate native growth and invasives suppression.
- LiDAR imagery showing native canopy cover.

## 7. Post-Implementation Maintenance

Post-implementation maintenance is the long-term strategy that starts after completing initial planting treatments and/or construction. Regardless of who takes long-term responsibility, it is important for the sponsor to illustrate they understand the steps to establish functioning and self-sustaining riparian conditions over time. This element will include a detailed schedule of maintenance activities chronologically appropriate to the different stages of riparian establishment and who is responsible for funding, planning, and completing maintenance actions.

List and describe proposed management practices. Consider organizing information into a table or other visual (e.g., Gantt chart). At a minimum, describe the practice, its planned frequency (e.g., three times in spring and summer seasons), the likely duration (e.g., five years), and the expected timeframe (e.g., years five through twenty). Consider the entire establishment period for the site, how the management may change as the site matures, and potential changes due to climate change as it is currently understood. For example, a list of methods for maintaining a young dense planting (years zero to five); then a list of intermediary methods (years five through fifteen) such as continued competitive invasive plant removal or replanting significant mortality or removing irrigation; and late stage (years fifteen through thirty) techniques such as overstory thinning for health and diversity or herbivory protection removal.

Examples of long-term maintenance and establishment practices are as follows:

- Weed control and mulching
- Replacing or removing herbivory protection (tubes, fencing)
- Removing irrigation infrastructure no longer needed
- Adaptive re-planting such as changing species in areas of high mortality due to changes in climate, localized soil hydrology, or bad stock
- Adaptive under-planting such as incorporating species that better establish under canopy previously planted (e.g., cedar, hemlock)



- Thinning dominant overstory species to allow release and facilitate understory development.
- Beaver dam management (pond levelers, temporary relocation)
- Adapting planting, removal, or rescue planting due to planned or adaptive restoration techniques on site (e.g., planned channel reconfiguration through an establishing riparian forest)

## 8. Adaptive Management

Either as part of the post-implementation maintenance discussion or in a separate section, describe how site management will be adapted if you do not achieve restoration objectives as determined by implementation monitoring. List typical or known site-specific challenges to riparian establishment and propose adaptive management approaches or contingencies.

Examples of adaptive management are as follows:

- Due to the low gradient of the stream and presence of beavers in the watershed, beaver colonization is highly probable. Although beaver pond levers will be considered, in the case of wetland formation and loss of drier site riparian plants, replanting with wetland-type vegetation or allowing natural recruitment will be considered. High-value trees on site will be protected from beaver browse by wire mesh.
- In the case of heavy mortality of a single species, replanting with a different seed source of that species or planting a different species altogether will be considered.

## 9. As-Built Documentations

Update your REP if implementation resulted in significant changes from what was proposed. Be sure to update design drawings, maps, site preparation, planting method, and monitoring elements of the plan as necessary.

## 10. Stewardship Activity Report

This is a written report that documents activities implemented as part of your stewardship project. If adaptive management was a significant factor, document the changes implemented on site. Provide implementation monitoring results to show how the site is achieving restoration objectives.

## Definitions

**Riparian area<sup>1</sup>:** A defined area encompassing both sides of a water body, composed of aquatic ecosystems (i.e., the river or stream), riparian ecosystem, and riverine wetlands. Riparian areas are three dimensional: longitudinal up and down streams, lateral to the width of the riparian ecosystem, and vertical from below the water table to above the canopy of mature site-potential trees.

**Riparian ecosystem<sup>2</sup>:** Riparian ecosystems are transitional between terrestrial and aquatic ecosystems and are distinguished by gradients in biophysical conditions, ecological processes, and biota. They are areas through which surface and subsurface hydrology connect waterbodies with their adjacent uplands. They include those portions of terrestrial ecosystems that significantly influence exchanges of energy and matter with aquatic ecosystems (i.e., a zone of influence). Our definition of riparian ecosystem does not include adjacent waters (i.e., river or streams, but does include riverine wetlands) and recognizes the riparian zone as a distinctive area within riparian ecosystems.

**Riparian Management Zone<sup>2</sup>:** A delineable area defined in a land use regulation; often synonymous with riparian buffer. For the purposes of this document, we define the riparian management zone (RMZ) as the area that has the potential to provide full riparian functions. In many forested regions of the state this area occurs within one 200-year site-potential tree height measured from the edge of the stream channel. In situations where a channel migration zone is present, this occurs within one site potential tree height measured from the edges of the channel migration zone. In non-forest zones the RMZ is defined by the greater of the outermost point of the riparian vegetative community or the pollution removal function, at 100-feet.

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<sup>1</sup> NRC (National Research Council). 2002. Riparian areas: functions and strategies for management. The National Academies Press, Washington, D.C. <https://doi.org/10.17226/10327>.

<sup>2</sup> Quinn, T., G.F. Wilhere, and K.L. Krueger, technical editors. 2020. Riparian Ecosystems, Volume 1: Science Synthesis and Management Implications. Habitat Program, Washington Department of Fish and Wildlife, Olympia. p.292

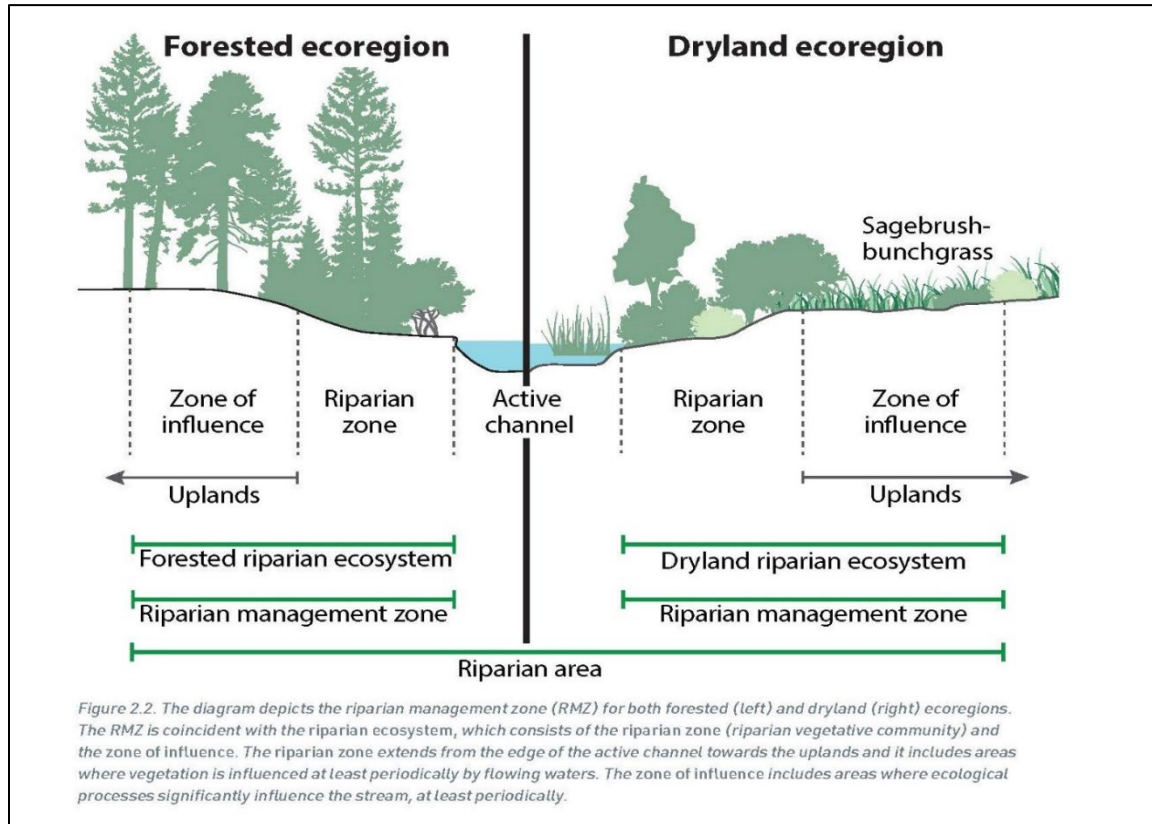


Figure 2.2. The diagram depicts the riparian management zone (RMZ) for both forested (left) and dryland (right) ecoregions. The RMZ is coincident with the riparian ecosystem, which consists of the riparian zone (riparian vegetative community) and the zone of influence. The riparian zone extends from the edge of the active channel towards the uplands and it includes areas where vegetation is influenced at least periodically by flowing waters. The zone of influence includes areas where ecological processes significantly influence the stream, at least periodically.

## Salmon Recovery Funding Board Decision Memo

### APPROVED BY RCO DIRECTOR MEGAN DUFFY

**Meeting Date:** December 13, 2023  
**Title:** Watershed Plan Recommendation Report  
**Prepared By:** Kat Moore, Senior Outdoor Grants Manager; Lauren Burnes, Special Assistant to the Director

#### Summary

This memo summarizes the technical review of the Watershed Restoration and Enhancement Plans for five watersheds.

#### Board Action Requested

This item will be a:

- Request for Decision
- Request for Direction
- Briefing

### Introduction/Background

In January 2018, the Washington State Legislature passed the Streamflow Restoration law ([Revised Code of Washington 90.94](#)) to help support robust, healthy, and sustainable salmon populations while ensuring rural communities have access to water. Pursuant to that law, the Department of Ecology established watershed restoration and enhancement committees to develop and adopt plans in fifteen watersheds, or Water Resource Inventory Areas (WRIAs). The committees in WRIAs 7 (Snohomish), 8 (Cedar-Sammamish), 13 (Deschutes), 14 (Kennedy-Goldsborough), and 15 (Kitsap) developed watershed restoration and enhancement plans but did not unanimously approve the plans.

Under the law, if a committee fails to approve its plan unanimously, the Salmon Recovery Funding Board (board) is required to provide a technical review of the plan. The technical review should consider whether the actions in the plan, after accounting for new projected uses of water in the subsequent twenty years (2018–2038), will result in a net ecological benefit to instream resources in the WRIA. The board is to provide recommendations to the director of the Department of Ecology to consider. Ecology may amend the plan without committee approval before adoption. After plan adoption, the director of Ecology will initiate rulemaking for the plans.

To meet this requirement, in 2022 the Recreation and Conservation Office (RCO) convened a science panel of six regional experts to review the five unapproved plans. Panel members Hans Berge, Annika Fain, and Adam Hill reviewed plans for WRIA 7 (Snohomish) and WRIA 8 (Cedar-Sammamish). Panel members Bob Montgomery, Bill Norris, and Phil Roni reviewed plans for WRIA 13 (Deschutes), 14 (Kennedy-Goldsborough), and 15 (Kitsap). The panel was supported by RCO staff members Kat Moore, senior outdoor grants manager, and Lauren Burnes, special assistant to the director.

At the May 2023 board meeting, Hans Berge and Kat Moore presented the draft Watershed Restoration and Enhancement Plan Review Report. After the board meeting, staff and the review panel packaged the draft report and the panel's detailed comment matrix for comment. RCO posted the report and comments for stakeholder and Tribal review between July 27 and October 13, 2023. RCO received eleven comments, which are provided in Attachment B: Watershed Restoration and Enhancement Plan Tribal and Public Comments. After reviewing the comments, the panel revised the draft report in response to some of the comments received. The changes to the draft plan are summarized in Attachment B. RCO notified the commenting parties of the revised report, comment table, and of the December 2023 board meeting where the final report will be presented.

The full panel is providing this final report to the board summarizing its review and recommendations, including updates in response to comments received. The updated report is found in Attachment A: Watershed Restoration and Enhancement Plan Review Report. This report includes specific technical information that the board may recommend Ecology add to the final draft plans.

The review panel recommends revisions for each plan. The report identifies general recommendations for each WRIA and contains an appendix with detailed comments for each WRIA's plan. Overall, the panel concluded that across all five plans, the consumptive use estimates are technically sound and the methodology applied consistently. For water offsets, all plans identify projects that offset projected consumptive use impacts, though in particular WRIs 13, 14, and 15 include offset projects that are too optimistic, and some projects should be removed or offset estimates revised. Given the surplus of estimated offsets, it still is likely there would be adequate offsets. However, the panel recommends that the quantities of the offsets for the remaining projects be summed up to ensure that they will offset projected consumptive use. Similarly, all plans identified actions that would provide a net ecological benefit. However, for WRIA 13, 14, and 15, the panel recommended that some projects be removed or revised, and that the benefit of the remaining projects be re-evaluated to ensure that net ecological benefit can still be achieved. The panel also

recommended that the plans include mechanisms for monitoring, assessment, accountability, and adaptation to ensure successful implementation of the plan.

## **Motions**

Move to accept the Watershed Restoration and Enhancement Plan Review Report, Recreation and Conservation Office: Attachment A and submit the report to the director of the Department of Ecology.

## **Attachments**

- A. Watershed Restoration and Enhancement Plan Review Report  
Includes Appendix of Detailed Review Comment Tables for WRIA 7, 8, 13, 14 and 15
- B. Watershed Restoration and Enhancement Plan Tribal and Public Comments
- C. Tribal and Public Comment Letters

# Watershed Restoration and Enhancement Plan Review Report

## Executive Summary

The 2018 streamflow restoration law required planning groups in fifteen watersheds, or Water Resource Inventory Areas (WRIAs), to develop watershed plans that offset impacts from new domestic permit-exempt wells and identify actions that will provide a net ecological benefit. Only plans that were approved by all members of the local committees could be adopted. The Department of Ecology adopted plans in nine WRIAs and completed rulemaking in a tenth. Five plans were not approved including WRIA 7 (Snohomish), WRIA 8 (Cedar-Sammamish), WRIA 13 (Deschutes), WRIA 14 (Kennedy-Goldsborough), and WRIA 15 (Kitsap). Pursuant to the law, if a committee failed to approve its plan, the Salmon Recovery Funding Board must provide a technical review of the plan. To meet this requirement, the Recreation and Conservation Office convened a science panel to review the five plans and provide recommendations.

## Consumptive Use

Watershed plans must include a new consumptive water use estimate for each subbasin and the technical basis for each estimate. Consumptive use is the estimated water consumption from permit-exempt domestic groundwater withdrawals during the next twenty years. The methods used to estimate consumptive use across the five watersheds reviewed varied. For WRIAs 7, 8, 13, and 15, data from their respective counties were used based upon patterns in development in basins with permit-exempt wells, although each county's method was different. In contrast, WRIA 14 relied upon data provided from the state Office of Financial Management. These estimates then were multiplied by an estimate provided by the Department of Ecology of the average consumption (acre-feet/well) of indoor and outdoor permit-exempt wells in the WRIAs. This resulted in an estimate of the total number of acre-feet of water consumed by permit-exempt wells in each WRIA from 2018-2038 (Table 1). In each of the five watersheds, the methods used to estimate consumptive use were technically sound.

## Water Offsets

Once consumptive use was calculated, the five WRIAs identified projects to offset the impacts of permit-exempt wells on aquifers and streams. Each identified a large number of projects and asserted they would offset the consumptive use. Generally, the projects

selected appeared to be overly optimistic about the offset value. Particularly, some project types, such as water right purchases, roof runoff, and low-impact development, used assumptions that likely were overestimated. A more conservative estimate for these project types is warranted, particularly in WRIs 13, 14, and 15. For WRIs 7 and 8, it appeared that many of the projects had relatively low feasibility and the water offsets would occur outside the basins with high or moderate water consumption, resulting in negligible offset in the basins that will need it most.

## Net Ecological Benefit

Once consumptive use was calculated and offsets accounted for, the plans needed to identify additional actions to benefit instream resources beyond those necessary to offset the consumptive water use. Each WRIA identified a large number of projects intended to provide ecological benefits. While the projects in general appear to be beneficial for aquatic resources, the certainty that the projects will be completed was lacking, and in many cases the ecological value is overstated. Without providing information on project status/stage, feasibility, funding source(s), technical reviews, previous prioritization decisions, landowner acknowledgment (private or public land), and identified project sponsors, it is difficult to assume that the project will be successfully implemented and ecological benefits will be occur as planned.

## Conclusions

A great deal of work went into these plans. Each plan has important information that seeks to document consumption from exempt wells, offsets to mitigate consumption, and additional ecological benefits. While important progress has been made and many details provided, there are still key areas for improvement, which have been identified in the report below.

## Introduction and Purpose

In January 2018, the Washington State Legislature passed the streamflow restoration law (Revised Code of Washington 90.94) to help support robust, healthy, and sustainable salmon populations while ensuring rural communities have access to water. The law directs the Department of Ecology to develop watershed restoration and enhancement plans for fifteen WRIs that identify projects to offset potential consumptive impacts of new permit-exempt domestic groundwater withdrawals on instream flows over twenty years (2018–2038) and which provide a net ecological benefit to the watershed. Following the provisions of the law, Ecology collaborated with a committee composed of cities, counties, special interest groups, state agencies, and tribes in each WRIA to prepare a draft plan. The law requires all committee members to approve the plan



before Ecology considers plan adoption. Ecology adopted nine plans and completed rulemaking for a tenth.

Five watershed plans were not approved unanimously by their committees including watershed plans for WRIA 7 (Snohomish), WRIA 8 (Cedar-Sammamish), WRIA 13 (Deschutes), WRIA 14 (Kennedy-Goldsborough), and WRIA 15 (Kitsap). For these unapproved plans, the streamflow restoration law requires Ecology to submit the draft plan for each WRIA to the Salmon Recovery Funding Board (SRFB) in the Recreation and Conservation Office for technical review. The SRFB review is designed to provide recommendations to Ecology about whether to amend the draft plan to ensure that actions identified in the plan, after accounting for new projected uses of water during the subsequent twenty years, will result in a net ecological benefit to in-stream resources in the WRIA. The law further states that the director of Ecology must consider the recommendations, may amend the plan before adoption, and must initiate rulemaking for the plan after adoption.

To meet this requirement, a science panel of six regional experts reviewed the **five final draft plans provided by Ecology**. Panel members Hans Berge, Annika Fain, and Adam Hill reviewed plans for WRIA 7 (Snohomish) and WRIA 8 (Cedar-Sammamish); panel members Bob Montgomery, Bill Norris, and Phil Roni reviewed plans for WRIA 13 (Deschutes), WRIA 14 (Kennedy-Goldsborough), and WRIA 15 (Kitsap). The panel was supported by RCO staff members Kat Moore, senior outdoor grants manager, and Lauren Burnes, special assistant to the director. The full panel is providing this report to the SRFB to summarize its review and recommendations. **In addition to the summary report, the panel has provided detailed comments on the plans in Appendix A: Detailed Review Comment Tables for WRIA 7, 8, 13, 14, and 15.** The panel's review is limited to the technical aspects of the watershed plans, including:

- **Consumptive Use:** *Estimated water consumption from permit-exempt domestic groundwater withdrawals in the next twenty years. Are the projections technically sound? Was the methodology applied consistently?*
- **Water Offsets:** *Actions that put water back into aquifers and streams that offset new consumptive water use. Will the planned projects and actions (if implemented), at a minimum, offset the total projected impacts to in-stream flows from new consumptive water use in all the subbasins in the WRIA?*
- **Net Ecological Benefit:** *Actions in the plan provide additional benefits to aquifers and streams beyond the minimum to offset projected consumptive use. Does the plan identify projects and actions that provide additional benefits to in-stream resources beyond*

those necessary to minimally offset the impacts from new consumptive water use in the WRIA?

• **Table 1. Summary Information from Plans**

	Snohomish WRIA 7	Cedar-Sammamish WRIA 8	Deschutes WRIA 13	Kennedy-Goldsborough WRIA 14	Kitsap WRIA 15
Area (square miles)	1,856	692	270	381	676
County	King, Snohomish	King, Snohomish	Lewis, Thurston	Mason, Thurston	King, Kitsap, Pierce, Mason
Major Streams	Skykomish, Snohomish, Snoqualmie Rivers	Cedar and Sammamish Rivers; Bear, Coal, Evans, Issaquah, Little Bear, May, North, and Swamp Creeks	Deschutes River and Percival, Woodard, and Woodland, Creeks	Alderbrook, Cranberry, Deer, Goldsborough, Kennedy, Johns, Mill, Perry, Sherwood, Shumocher, and Skookum Creeks	Dewatto, Tahuya, and Union Rivers, and numerous smaller streams
Subbasins	16	12	13	8	7
Permit-Exempt Wells	3,389	967	2,616	4,294	5,215
Acre-Feet Per Year (use)	797	425	434	760	718
Offset Acre-Feet Per Year	1,444	1,805	1,801	1,725	2,873
Net Acre-Feet Per Year (surplus)	647	1,380	1,367	965	2,155
Water Offset Projects	11	10	9	8	15
Habitat Projects	26	23	19	25	31
Consumptive Water Use Method	Appendix A of <i>Final Guidance for Determining Net Ecological Benefit</i> (Ecology, 2019)				
Indoor Consumptive Uses	Appendix A (Ecology, 2019)				
Outdoor Consumptive Uses	393 randomly selected parcels from recent building permits	153 randomly selected parcels from recent building permits	80 randomly selected parcels	80 randomly selected parcels	80 randomly selected parcels
Members voting to approve/not support	21/1 (Snoqualmie Indian Tribe)	15/1 (Snoqualmie Indian Tribe)	11/1 (Building Industry Association of Washington)	7/4 (BIAW, Department of Fish and Wildlife, Skokomish Indian Tribe, Squaxin Island Tribe)	12/6 (City of Gig Harbor Department of Fish and Wildlife, Port Gamble S'Klallam Tribe, Skokomish Indian Tribe, Squaxin Island

	Snohomish WRIA 7	Cedar- Sammamish WRIA 8	Deschutes WRIA 13	Kennedy- Goldsborough WRIA 14	Kitsap WRIA 15
					Tribe, Suquamish Tribe)

## WRIA 7

### Introduction to the Watershed Plan

The Snohomish watershed, WRIA 7, is about 1,856 square miles and includes all the lands drained by the Skykomish, Snohomish, and Snoqualmie Rivers. It is divided into sixteen subbasins. The watershed is split about equally between King and Snohomish Counties. The WRIA includes the Snohomish River and its two main tributaries, the Skykomish and Snoqualmie Rivers. The watershed also contains the Tolt Reservoir and Spada Lake, which supply water to Seattle and Everett, respectively.

The WRIA watershed plan projects 3,389 new permit-exempt domestic well connections in the next twenty years, using 797 acre-feet per year or 1.1 cubic-feet per second. The watershed plan identifies eleven water offset projects that would provide an anticipated 1,444 acre-feet per year to benefit streamflows and enhance the watershed. The total offset yields a surplus offset of 647 acre-feet per year above the 797 acre-feet per year consumptive use estimate. The watershed plan identifies twenty-six habitat projects that could provide benefits to fish and other wildlife habitat through floodplain restoration, wetland reconnection, increased channel complexity, reduction of peak flow during storms, and increased groundwater levels and baseflow.

### Technical Summary and Review Comments

#### Consumptive Use

Total offset is determined on an annual basis. King County consumptive use was based on 2000 to 2017 and Snohomish County was based on 2008 to 2018. The total consumptive use for the predicted 3,389 new wells is 797 acre-feet per year. Estimated consumptive use is shown in Table 2.

**Table 2. Estimated Consumptive Use for WRIA 7**

Wells and Consumptive Use	Quantity
Projected number of permit-exempt wells in twenty-year planning horizon	3,389
Indoor consumptive use, acre-feet per year/per well (average)	0.0184
Outdoor consumptive use, acre-feet per year/per well (average)	0.22
Total estimated consumptive use from 2018-2038, acre-feet per year	797

Note: average indoor consumptive use in the plan is listed as 0.00184 (page 48), rather than 0.0184

The method used to project the number of new permit-exempt wells and consumptive use estimates in WRIA 7 is based on recommendations from Appendix A of Ecology's *Final Guidance for Determining Net Ecological Benefit*. The method to calculate consumptive use assumes 90 percent of the indoor water use returns to groundwater via septic tanks and is not counted as consumptive use. About 20 percent of the outdoor water use returns to groundwater or surface water and also is not counted as consumptive use.

A Geographic Information System analysis was used on 393 randomly selected parcels with recent building permits throughout the watershed to estimate outdoor irrigated area. The average irrigated area was estimated to be 0.20 acre.

Consumptive use is much higher in the summer than winter, but the calculations used are based upon an annual average. If the summer consumptive use was broken out separately it would help guide the implementation of future water offset projects at the time when resources are most limiting. Additionally, the methods used to calculate the number of permit-exempt wells in King and Snohomish Counties were different, which may result in minor differences in consumptive use estimates across basins. Despite these limitations, WRIA 7 followed the methodology prescribed by Ecology, used the most accurate data available for each basin, and applied the methods consistently.

## Water Offsets

The WRIA 7 committee identified eleven water offset projects across seven subbasins, which if implemented, would provide a total water offset of 1,444 acre-feet per year (Table 3). The total offset yields a surplus offset of 647 acre-feet per year above the 797 acre-feet per year consumptive use estimate. There will be a water deficit in ten of the sixteen subbasins but habitat projects are proposed in all subbasins.

**Table 3. Estimated Water Offsets for WRIA 7**

Project	Short Description	Subbasins Benefiting	Estimated Offset Benefits (acre-feet per year)
Lake Shoecraft Outlet Modification	Water storage and retiming	Tulalip	62.5
Coho Creek Relocation and Streamflow Enhancement	Streamflow augmentation and floodplain restoration	Quilceda-Allen	362
Lake Stevens Outlet Structure and Lake Level Management	Water storage and retiming	Little Pilchuck	500
Lochaven Source Switch	Water right acquisition	Pilchuck	12.7
Lower Pilchuck Number 1	Water right acquisition	Pilchuck	2.8
Lower Pilchuck Number 11	Water right acquisition	Pilchuck	2.1
Raging River Number 1	Water right acquisition	Snoqualmie South	126
Patterson Number 1	Water right acquisition	Patterson	29.7
Patterson Number 4	Water right acquisition	Patterson	71.6
Managed aquifer recharge in Snoqualmie	Water storage and retiming	Snoqualmie North, Snoqualmie South, Upper Snoqualmie	198
Snoqualmie River Watershed Surface Water Storage	Water storage and retiming	Cherry-Harris, Snoqualmie South, Upper Snoqualmie	77
		Total	1,444.4

The estimated cost for proposed water storage projects varies from \$175,000 to \$3.5 million. The water rights projects range from \$5,000 to \$324,000. The total cost for implementing all the water offset projects described in the plan is about \$7 million. As of March 2022, three of the

eleven planned water offset projects have secured initial feasibility funding. Project sponsors will further refine these cost estimates during their project scoping and development processes.

The certainty of implementation of projects depends on many factors, such as identification and support of project sponsors, readiness to implement the project, and identification of potential barriers. Each of the water offset projects identified in the plan has a project sponsor ready to proceed with project development. One of the largest barriers to implementation is funding. Additionally, landowner's willingness to sell existing water rights is one very uncertain component of this plan. Other potential barriers include the willingness of landowners to sell or allow development of projects. Many of the water offset projects included in the plan have not yet secured landowner approval.

If implemented, the planned water offset projects and actions identified in the WRIA 7 plan will offset the total projected impacts to in-stream flows from the total new consumptive water use.

## Net Ecological Benefit

The plan identifies twenty-six proposed habitat projects that provide additional benefits to in-stream resources beyond those necessary to minimally offset the impacts from new consumption water use in the WRIA. Ecological benefits associated with these projects include floodplain restoration, wetland reconnection, availability of off-channel habitat, reduction of peak flow during storms, increased groundwater levels and baseflow, and increased channel complexity. These habitat projects will contribute to addressing limiting factors for salmonids in WRIA 7.

The estimated cost for implementing individual habitat projects ranges from \$20,000 (per lined storage pond) for the Snohomish Conservation District Small Farm Storage Initiative project to \$15.5 million for the Raging River Bridge to Bridge Acquisitions and Floodplain Restoration project. As of March 2022, five of the twenty-six planned habitat projects have secured funding. Project sponsors will further refine these cost estimates during their project scoping and development processes.

## Recommendations

The panel has identified specific recommendations and revisions for each plan, found in Appendix A: Detailed Review Comment Tables for WRIA 7, 8, 13, 14, and 15. The detailed comments include minor edits, inconsistencies, suggestions for clarity, identifies projects to remove or re-evaluate, and other technical recommendations.

Overall, the WRIA 7 watershed plan would be improved by a better distribution of projects to match the needs of individual subbasins. Additionally, we recommend improvements to reduce the uncertainty of how consumptive use was measured, and the uncertainty of implementing projects to provide net ecological benefit.

The years used to calculate the King County consumptive use could be based on 2008 to 2018, the same as Snohomish County consumptive use.

For projects focused on consumptive use or net ecological benefit, it would be helpful to identify project feasibility, certainty of implementation, and corresponding streamflow benefits. A matrix may be a helpful tool to use.

The number of projects in Pilchuck and Patterson seem light, considering the needs. Additionally, we would have expected to see more projects in Cherry-Harris given consumptive use projections, even if estimates are low. We also suggest projects focused on irrigation and agriculture along the Skykomish and Snoqualmie Rivers, even if only modest offsets to projected consumption.

Finally, include mechanisms for monitoring, assessment, accountability, and adaptation to ensure successful implementation of the plan. Plan adaptation should address:

- Identification of additional consumptive use offset or habitat projects.
- Changes in the feasibility and / or priority of habitat or consumptive use offset projects.
- Consumptive use changes due to better data, including changes from a changing climate.

## WRIA 8

### Introduction to the Watershed Plan

The Cedar-Sammamish watershed (WRIA 8) encompasses about 692 square miles and includes the lands that drain through the Ballard Locks as well as nearshore streams north of the Duwamish River to Mukilteo. The watershed has two major river basins, the Cedar and Sammamish, both of which empty into Lake Washington. The Cedar River has a mean annual flow of 679 cubic feet per second, over two times the discharge of the Sammamish River's 304 cubic feet per second. The upper Cedar River watershed provides water to Seattle. Other major tributaries include Bear Creek, Coal Creek, Evans Creek, Issaquah Creek, Little Bear Creek, May Creek, North Creek, and Swamp Creek. Fifty percent of the watershed is in a city or designated urban growth area. It is the most populated WRIA in Washington. About 85 percent of the watershed is in King County and the remaining 15 percent is in Snohomish County.

### Technical Summary and Review Comments

#### Consumptive Use

A total of 967 new permit-exempt domestic wells are expected in WRIA 8 by 2038, with an estimated use of 425 acre-feet per year, with an estimated error of plus or minus six percent (Table 4). King County is projected to experience the most, with 740 wells, while Snohomish County expects about 210. The remaining 17 are expected in cities and urban growth areas.

**Table 4. Reported Estimated Consumptive Use for WRIA 8 and Assumptions used for Wells.**

Wells and Consumptive Use	Quantity
Projected number of permit-exempt wells in twenty-year planning horizon	967
Indoor consumptive use, acre-feet per year/per well (average)	0.0184

Wells and Consumptive Use	Quantity
Outdoor consumptive use, acre-feet per year/per well (average)	0.42
Total estimated consumptive use from 2018-2038, acre-feet per year	425

The method used to project the number of new permit-exempt wells and consumptive use estimates in WRIA 8 are based on recommendations from Appendix A of Ecology's *Final Guidance for Determining Net Ecological Benefit*. The method to calculate consumptive use assumes 90 percent of the indoor water use returns to groundwater via septic tanks and is not counted as consumptive use. About 20 percent of the outdoor water use is assumed to return to groundwater or surface water and is not counted as consumptive use. A Geographic Information System analysis was used on 153 randomly selected parcels throughout the watershed to estimate outdoor irrigated area. The average irrigated area was estimated to be 0.32 acres.

Consumptive use is much higher in the summer than winter, but the calculations are based on an annual average. If the summer consumptive use was separated, it would help guide the implementation of future water offset projects during the most water-limited time of the year. As noted previously, King and Snohomish Counties' methods of calculating the number of permit-exempt wells differ slightly and may result in subtle differences in consumptive use in basins in different counties. However, the slightly different projections would have little overall effect because they both use the same methods prescribed by Ecology in a consistent manner.

## Water Offsets

The WRIA 8 committee identified ten water offset projects, across five subbasins, which if implemented would provide a total water offset of 1,805 acre-feet per year (Table 5). The total offset yields a surplus offset of 1,380 acre-feet per year above the 425 acre-feet per year consumptive use estimate, making any subtle differences in projections negligible. There will be a water deficit in six of the twelve subbasins, but planned habitat restoration projects are identified in each subbasin intended to mitigate deficits.

**Table 5. Estimated Water Offsets for WRIA 8 for Each Project Identified in the Plan by Project Type.**

Project	Short Description	Subbasins Benefiting	Estimated Offset Benefits (acre-feet per year)
Snohomish County Recycled Water Managed Aquifer Recharge	Water storage and retiming	Little Bear	181
Wayne Golf Course Water Right Acquisition	Water right acquisition	Sammamish River Valley	3.54
Sixty Acres Park Water Right Acquisition	Water right acquisition	Sammamish River Valley	126
Water Right Acquisition Number 8	Water right acquisition	Sammamish River Valley	23.43
Sammamish River Valley Irrigation Water Rights	Water right acquisition	Sammamish River Valley	551.83
Sammamish River Valley Recycled Water Managed Aquifer Recharge	Water storage and retiming	Sammamish River Valley	181
Number 1 Water Right Acquisition	Water right acquisition	Bear / Evans	346.8



Project	Short Description	Subbasins Benefiting	Estimated Offset Benefits (acre-feet per year)
Number 4 Water Right Acquisition	Water right acquisition	Issaquah	286
Riverbend Mobile Home Park Water Right Acquisition	Water right acquisition	Lower Cedar	20.1
Number 5 Water Right Acquisition	Water right acquisition	Lower Cedar	85.4
		Total	1,805.1

Water offset projects include two water storage and retiming projects (or projects that change the timing of water withdrawal or addition from the river), and eight water right acquisitions. The total estimated cost for these projects is \$4.4 million, with individual projects ranging from about \$9,100 to \$1.4 million. The certainty of implementation depends on support from landowners, funding, certainty of success, and feasibility. Each of these projects has project sponsors, but many do not have agreements in place with landowners or funding. It is difficult to imagine how budgets can be specific without concurrence on the project or the plan. If these impediments can be removed and the estimates provided by the committee are correct, the implementation of these projects would offset the total projected impacts to in-stream flows from the total new consumptive water use.

## Net Ecological Benefit

Twenty-three habitat projects are proposed in the plan to provide ecological benefits, including improvements to stormwater management and infiltration. There is a great deal of uncertainty as to how these habitat projects may offset consumptive use because stormwater projects are in built-out basins, and in these instances are largely retrofits of out-of-date infrastructure. The projects that include floodplain restoration, wetland reconnection, increased off-channel habitat, increased groundwater levels and baseflow, and improved channel complexity in salmon-bearing streams, will provide ecological benefits; few of them offer any offset benefits. The projects that do, are in the Sammamish River (primary flow originating from Lake Sammamish) and will not address the most limiting factor of warm water temperature. Estimates of project costs where available are between \$94,000 for beaver dam analogs to \$7 million for a floodplain reconnection project on the Cedar River. While not prioritized, each of these project concepts are consistent with creating potentially measurable and meaningful ecological benefits for salmonids within WRIA 8.

## Recommendations

The panel has identified specific recommendations and revisions for each plan, found in Appendix A: Detailed Review Comment Summary Tables for WRIA 7, 8, 13, 14, and 15. The detailed comments include minor edits, inconsistencies, suggestions for clarity, identifies projects to remove or re-evaluate, and other technical recommendations.

For consistency across basins, King County and Snohomish County should use the same assumptions for new permit-exempt wells, possibly using numbers from the state Office of Financial Management.

For projects focused on consumptive use or net ecological benefit, it would be helpful to identify feasibility, certainty of implementation, and associated streamflow benefits. A matrix may be a helpful tool to use.

Ecological projects should be prioritized, and effort should be made to include design elements that would increase cold water refugia in the Sammamish River and specifically address water offset directly as design elements in planned restoration projects.

The Sammamish Basin, North Lake Washington Tributaries (Little Bear, North, and Swamp), and the Bear/Evans basins seem to have the most mitigating effects on water withdrawals and have a lot of pressure for new consumptive use. There should be more emphasis on ecological projects in those streams that are cooler, rather than relying upon relatively small improvements in the much larger Sammamish River.

Finally, include mechanisms for monitoring, assessment, accountability, and adaptation to ensure successful implementation of the plan. Plan adaptation should address:

- Identification of additional consumptive use offset or habitat projects.
- Changes in the feasibility and / or priority of habitat or consumptive use offset projects.
- Consumptive use or offset changes due to better data, including changes from a changing climate.

## WRIA 13

### Introduction to the Watershed Plan

WRIA13, the Deschutes watershed, in Thurston and Lewis Counties, covers 270 square miles. The Deschutes River is the major hydrologic basin in WRIA 13, with a number of smaller independent tributaries that drain into four saltwater inlets: Budd, Eld, Henderson, and Nisqually Reach. Other principal streams include Woodard and Woodland Creeks, which drain into Henderson. WRIA 13 is divided into nine subbasins for the purposes of the watershed plan.

The WRIA 13 Watershed Restoration and Enhancement Plan projects 2,616 new permit-exempt domestic wells in the next twenty years with an estimated consumptive use of 434 acre-feet per year. A total of four water offset projects would provide an expected offset of 1,801 acre-feet per year to benefit streamflow. This is estimated to provide a total net surplus offset of 1,367 acre-feet per year. The WRIA 13 watershed plan identifies nineteen habitat projects designed to increase stream complexity, reconnect floodplains, promote fish passage, enhance natural processes, and ultimately benefit salmonids and other aquatic species.

### Technical Summary and Review Comments

## Consumptive Use

A total of 2,616 new permit-exempt wells are expected in WRIA 13 by 2038, with an estimated 434 acre-feet per year (Table 6). Although WRIA 13 includes both Thurston and Lewis County, no new permit-exempt wells are expected to occur in Lewis County in the twenty-year planning horizon. The largest number of wells are in the Middle and Lower Deschutes subbasins and the three peninsulas.

**Table 6. Estimated Consumptive Use for WRIA 13**

Wells and Consumptive Use	Quantity
Projected number of permit-exempt wells in the twenty-year planning horizon	2,616
Indoor consumptive use, acre-feet per year/per well (average)	0.017
Outdoor consumptive use, acre-feet per year/per well (average)	0.15
Total estimated consumptive use from 2018-2038, acre-feet per year	434

The method used to project the number of new permit-exempt wells in WRIA 13 is based on recommendations from Appendix A of Ecology's *Final Guidance for Determining Net Ecological Benefit*. Ecology used growth estimates and growth allocations that were prepared by individual counties to forecast the number of permit-exempt wells in the twenty-year planning horizon by subbasin.

The method assumed an average indoor use per person per day and used estimates of the average irrigated area (outdoor lawn and garden areas), amount of irrigation, and irrigation efficiency to derive the total water use per household with a permit-exempt well. A large portion (90 percent) of the indoor water use returns to groundwater via septic tanks and is not counted as a consumptive use. A small portion (20 percent) of the outdoor water use returns to groundwater or surface water and also is not counted as a consumptive use.

To estimate the average irrigated area for a new residence using a permit-exempt well, the lawn and garden areas of eighty parcels distributed throughout the WRIA and representative of a range of property values were analyzed. The average irrigated area was estimated to be 0.1 acre.

The methodology used to project the number of permit-exempt wells and consumptive use was consistent with WRIAs 14 and 15, the other watershed plans reviewed by our team. The indoor consumptive use per permit-exempt well estimated for WRIA 13 was the same as for WRIAs 14 and 15. The outdoor consumptive use estimated for WRIA 13 was the same as for WRIA 14 and slightly more than for WRIA 15. The difference is caused by a larger average irrigated area in WRIAs 13 and 14 (0.1 acre) compared to WRIA 15 (0.08 acre).

The estimated outdoor consumptive use is much greater than the indoor consumptive use and comprises 90 percent of the total consumptive use. Ecology expects the outdoor water use will occur mainly in summer, but the consumptive use calculations present an average annual use, not the summer use. Showing the summer consumptive use would help guide implementation of future water offset projects as the largest streamflow deficits occur in summer. **However, the consumptive use**

projections were developed using the methods found in Appendix A of Ecology's *Final Guidance for Determining Net Ecological Benefit*, and they are consistent with those methods.

## Water Offsets

The WRIA 13 committee identified four water offset projects, across six subbasins, which if implemented would provide a total water offset of 1,801 acre-feet per year (Table 7). The total offset yields a surplus offset of 1,367 acre-feet per year above the 434 acre-feet per year consumptive use estimate.

Subbasins were delineated by Ecology and the Watershed Restoration Committee to describe the location of projected new consumptive water use and as a guide to developing projects that offset that use in the same general locations and that addressed habitat needs to provide net ecological benefit.

**Table 7. Estimated Water Offsets for WRIA 13**

Project	Short Description	Subbasins Benefiting	Estimated Offset Benefits (acre-feet per year)
Schneider's Prairie Off-Channel Connection	Off-channel reconnection and infiltration	Lower Deschutes	681
Hicks Lake Stormwater Retrofit	Stormwater infiltration in series with existing stormwater treatment	Woodland	296
Donnelly Drive Infiltration	Improve neighborhood stormwater infiltration, avoiding surcharge and runoff to Chambers ditch	Lower Deschutes	14
Deschutes/ Chambers Managed Aquifer Recharge	Several candidate locations for managed aquifer recharge of diverted Deschutes River water from high flow periods, exceeding in-stream minimum flows or ecological flows	Boston Harbor, Cooper Point, Lower Deschutes, Middle Deschutes, Upper Deschutes, Woodland	810
		Total	1,801

Managed aquifer recharge projects account for 45 percent of the total water offsets for permit-exempt wells. The projected offsets rely heavily on managed aquifer recharge facilities with benefits that appear overestimated. While managed aquifer recharge facilities that accept stormwater or treated wastewater appear appropriate, managed aquifer recharge facilities that withdraw flow from streams rely on hydrologic manipulations of natural resources and natural processes that have questionable feasibility and benefits.

The plan segregates habitat projects from quantitative water offsets and fails to integrate natural stream processes into quantitative offset solutions. The plan provides the following quote, "Restoring floodplain connectivity and streamflow regimes, and re-aggrading incised channels are most likely to ameliorate streamflow and temperature changes and increase habitat diversity and population resilience" (Beechie et al. 2013) yet the plan fails to discuss degradation of streambed elevations as a root cause of reduced base flow volumes. Channel and streambed degradation is listed as a Habitat

Limiting Factor Addressed for sixteen of the nineteen habitat projects listed in the plan, indicating root causes of reduced summer base flow. Channel degradation reduces water table elevations. Furthermore, the plan fails to sufficiently promote projects that specifically raise streambed and water table elevations.

Alteration of natural stream hydrology is a high-priority limiting factor in WRIA 13. Streamflow is important for supporting riparian vegetation and wetlands that provide shading, wildfire breaks, food web support, and flood and sediment attenuation functions. Yet the plan's water offsets seem to rely on further alterations of natural stream hydrology instead of seeking solutions that reverse such alterations to offset permit-exempt well withdrawals.

The narrative description for managed aquifer recharge projects mentions stormwater as a source for these projects. Yet, it is the only occurrence of the word "stormwater" in the entire description for managed aquifer recharge projects in WRIA 13. The plan should contain more details about how stormwater could be considered a source of water for managed aquifer recharge projects.

There appears to be no consideration of turbidity associated with high flows and its effect on operations and maintenance of managed aquifer recharge facilities. Consideration of turbidity with high flows likely will reduce the number of delivery days to offset operations and maintenance costs of managed aquifer recharge facilities.

The plan assumes that the groundwater recharge rate will be maintained through a program of periodic rehabilitation of the infiltration structure(s). However, rehabilitation could mean a number of things including excavating managed aquifer recharge facilities and screening out fines, which are not compatible with some of the natural areas identified as managed aquifer recharge locations.

There seems to be quite a bit of uncertainty around many offset projects. The offsets for this plan with high uncertainty should be revisited and removed as potential offsets. The quantifies of offsets for the remaining projects should be summed up to ensure that they will still offset projected consumptive use.

## Net Ecological Benefit

The plan estimates a surplus and net ecological benefit of 1,367 acre-feet per year. This includes a number of projects that we feel are uncertain or don't have project sponsors and thus should not be included. In other cases, there are projects that we felt overestimated the potential benefit. Given the surplus, if the authors of the plan were to provide more conservative estimates or remove projects, it still is likely there would be a net ecological benefit. The location and quantity of net ecological benefit shows a deficit in five subbasins and a surplus in four subbasins. Additional offset projects should be considered to improve spatial distribution of offset projects to correspond to permit-exempt well locations and their impacts on specific subbasins.

The plan also includes nineteen habitat projects. The plan states that the ecological and streamflow benefits from these projects are supplemental to the quantified water offset projects but will contribute to achieving net ecological benefit. There are a few habitat projects that appear to benefit

marine or estuarine habitat and, while beneficial for salmon and other species, should not be considered contributing to net ecological benefit. In addition, most of the habitat projects do not have a project sponsor, which suggests that they are unlikely to be implemented. These should be flagged as conceptual only and not likely to provide a benefit.

## Recommendations

The panel has identified specific recommendations and revisions for each plan, found in Appendix A: Detailed Review Comment Tables for WRIA 7, 8, 13, 14, and 15. The detailed comments include minor edits, inconsistencies, suggestions for clarity, identifies projects to remove or re-evaluate, and other technical recommendations.

Many of the offset projects are highly conceptual and feasibility analyses may find that the potential estimated offset in acre-feet per year is too high. More conservative estimates are needed for most of the managed aquifer recharge and water right acquisition projects.

The estuarine and nearshore projects are good habitat projects for salmon and other fish but would not provide an offset to projected consumptive use and should be removed from the list of projects used to determine net ecological benefit.

Because the location and quantity of net ecological benefit shows a deficit in five subbasins and a surplus in four subbasins, additional offset projects should be considered to improve spatial distribution of offset projects to correspond to permit-exempt well locations and their impacts on specific subbasins.

We recommend the plan be revised to remove the less likely projects and include other recommendations above. The quantities of offsets for the remaining projects should be summed up to ensure that they will still offset projected consumptive use and provide a net ecological benefit.

Consider solutions that address and enhance natural processes. Wood additions have the potential to accrete sediments and increase water table elevations. We recommend including projects that raise water table elevations through raising streambed elevations. Aggradation of gravel in streams acts as filter media and helps to improve water quality. Wood additions coupled with riparian plantings can raise streambed elevations while limiting lateral stream migration. Riparian plantings improve water quality by shading streamflow and promoting deposition of fine sediments on floodplains. Floodplain connectivity offsets can be evaluated with analyses similar to those identified in the WRIA 13 plan's Appendix I: Detailed Project Descriptions, pages I-26 and I-27.

We recommend developing strategies that recognize and reverse the root causes of reduced summer base flows. The plan should recognize impacts of increased stormwater flow and display a preference for intercepting stormwater to source managed aquifer recharge facilities. The plan should evaluate existing stormwater conveyance systems for managed aquifer recharge source water, including an evaluation of water quality. The plan should make estimates of turbidity during high flows to consider turbid waters' plugging effect on recharge facilities and evaluate if turbid flows can be allowed or if

they will increase operations and maintenance costs to such a level that the number of diversion days must be reduced.

The plan should use caution when replicating natural annual hydrographs through further manipulation of natural stream hydrography (i.e., stream withdrawals to source managed aquifer recharge projects). Instead, the plan should develop and evaluate projects that reduce alterations of natural stream hydrology and avoid further manipulation of natural stream processes.

Finally, include mechanisms for monitoring, assessment, accountability, and adaptation to ensure successful implementation of the plan. Plan adaptation should address:

- Identification of additional consumptive use offset or habitat projects.
- Changes in the feasibility and / or priority of habitat or consumptive use offset projects.
- Consumptive use or offset changes due to better data, including changes from a changing climate.

## WRIA 14

### Introduction to the Watershed Plan

WRIA 14, the Kennedy Goldsborough watershed, is in Mason and Thurston Counties and covers 381 square miles and includes an extensive network of independent streams. Principal drainages include Alderbrook, Cranberry, Deer, Goldsborough, Johns, Kennedy, Mill, Perry, Sherwood, Shumocher, and Skookum Creeks. WRIA 14 is divided into eight subbasins.

The WRIA 14 Watershed Restoration and Enhancement Plan projects 4,294 new permit-exempt domestic wells in the next twenty years and an estimated consumptive use of 760 acre-feet per year. A total of eight water offset projects would provide an expected offset of 1,725 acre-feet per year to benefit streamflow. This is estimated to provide a total net surplus offset of 965 acre-feet per year. The WRIA 14 watershed plan identifies twenty-five habitat projects designed to increase stream complexity, reconnect floodplains, promote fish passage, enhance natural processes, and ultimately benefit salmonids and other aquatic species.

### Technical Summary and Review Comments

#### Consumptive Use

A total of 4,294 permit-exempt wells are expected in WRIA 14 by 2038, with an estimated use of 760 acre-feet per year (Table 8). WRIA 14 includes both Mason and Thurston Counties, but the largest number of the wells are expected to be in Mason County in the Oakland Bay subbasin.

**Table 8. Estimated Consumptive Use for WRIA 14**

Wells and Consumptive Use	Quantity
Projected number of permit exempt wells in twenty-year planning horizon	4,294
Indoor consumptive use, acre-feet per year/per well (average)	0.017

Outdoor consumptive use, acre-feet per year/per well (average)	0.16
Total estimated consumptive use from 2018-2038, acre-feet per year	760

The method used to project the number of new permit-exempt wells in WRIA 14 is based on recommendations from Appendix A of Ecology's *Final Guidance for Determining Net Ecological Benefit*. Ecology used growth estimates and growth allocations that were prepared by individual counties to forecast the number of permit-exempt wells in the twenty-year planning horizon. Ecology also forecasts the number of permit-exempt wells in the planning horizon by subbasin.

The method assumed an average indoor use per person per day and used estimates of the average irrigated area (outdoor lawn and garden areas), the amount of irrigation, and irrigation efficiency to derive the total water use per household with a permit-exempt well. A large portion (90 percent) of the indoor water use returns to groundwater via septic tanks and is not counted as a consumptive use. A small portion (20 percent) of the outdoor water use returns to groundwater or surface water and also is not counted as a consumptive use.

To estimate the average irrigated area for a new residence using a permit-exempt well, the lawn and garden areas of eighty parcels distributed throughout the WRIA and representative of a range of property values were analyzed. The average irrigated area was estimated to be 0.1 acre.

The methodology used to project the number of permit-exempt wells and estimate consumptive use in WRIA 14 was consistent with WRIs 13 and 15, the other watershed plans reviewed by our team. The indoor consumptive use per permit-exempt well estimated for WRIA 14 was the same as WRIs 13 and 15. The outdoor use consumptive use estimated for WRIA 14 was the same as WRIA 13 and slightly more than WRIA 15. The difference is caused by a larger average irrigated area in WRIs 13 and 14 (0.1 acre) compared to WRIA 15 (0.08 acre).

The estimated outdoor consumptive use is much greater than the indoor consumptive use and comprises 90 percent of the total consumptive use. Ecology expects outdoor water use will occur mainly in summer but the consumptive use calculations present an average annual use, not the summer use. Showing the summer consumptive use would help guide implementation of future water offset projects as the largest streamflow deficits occur in summer. However, the consumptive use projections were developed using the methods found in Appendix A of Ecology's *Final Guidance for Determining Net Ecological Benefit*, and they are consistent with those methods.

## Water Offsets

The WRIA 14 committee identified six water offset projects across seven subbasins, which if implemented would provide a total water offset of 1,725 acre-feet per year (Table 9). The total offset yields a surplus offset of 965 acre-feet per year above the 760 acre-feet per year consumptive use estimate.

Subbasins were delineated by Ecology and the Watershed Restoration Committee to describe the location of projected new consumptive water use and as a guide to developing projects that offset



that use in the same general location and that addressed habitat needs to provide net ecological benefit.

**Table 9. Estimated Water Offsets for WRIA 14**

Project	Short Description	Subbasins Benefiting	Estimated Offset Benefits (acre-feet per year)
Mason County Rooftop Runoff	New county requirement for new rural residential building to install low-impact development best management practices that infiltrate more than 95 percent of rooftop runoff	WRIA-wide	224
City of Shelton Reclaimed Water / Washington Correction Center Source Switch	Redirect north Shelton wastewater to the Water Reclamation Plan and infiltrate Class A reclaimed water at existing spray field near the Washington Corrections Center.	Goldsborough	459
Evergreen Mobile Estates	Water system consolidation and water right acquisition	Oakland	7
Managed Aquifer Recharge	Install managed aquifer recharge facilities	Case, Goldsborough, Kennedy, Mill, Oakland, Skookum	910
Water Right Opportunities	A focused WRIA-wide analysis on potential water right efficiencies and acquisition for future studies and implementation	Goldsborough, Hood, Mill, Oakland	111
Steamboat Middle	Surface water retention and infiltration	Kennedy	14
		Total	1,725

Note that the Schneider's Prairie Off-Channel Connection was included in Table 10 of the plan, but Schneider's Prairie is in WRIA 13. Schneider's Prairie Off-Channel Connection was not included in water offsets for WRIA 14.

Managed aquifer recharge projects account for 53 percent of the total water offsets for permit-exempt wells. The projected offsets rely heavily on managed aquifer recharge facilities with benefits that appear overestimated. While managed aquifer recharge facilities that accept stormwater or treated wastewater appear appropriate, managed aquifer recharge facilities that withdraw flow from streams rely on hydrologic manipulations of natural resources and natural processes that have questionable feasibility and benefits.

The plan cites the National Oceanic and Atmospheric Administration's Puget Sound Watershed Characterization Project, which is a tool used in Puget Sound by planners and resource managers to identify priorities for habitat protection and restoration. The characterization project directs planners to identify the root causes of watershed issues and develop appropriate solutions. The plan fails to identify stream degradation as a root cause of reduced base flows even though it is well understood that reduced streambed elevations directly impact water table elevations and base flow volumes. Channel and streambed degradation is listed as a habitat limiting factor addressed for nineteen of the

twenty-three habitat projects listed in the plan's Table 12, indicating them as root causes of reduced summer base flow. Channel degradation reduces water table elevations. Furthermore, the plan fails to sufficiently promote projects that specifically raise streambed and water table elevations.

Alteration of natural stream hydrology is a high priority limiting factor in WRIA 14. Streamflow is important for supporting riparian vegetation and wetlands that provide shade, wildfire breaks, food web support, and flood and sediment attenuation functions. Yet the plan seems to rely on further alterations of natural stream hydrology such as diverting streamflow to managed aquifer recharge facilities instead of seeking solutions that reverse those alterations, such as reversing channel degradation.

The Narrative Description for managed aquifer recharge projects identifies stormwater as a water source. Yet, it is the only occurrence of the word "stormwater" in the entire description for managed aquifer recharge projects. The plan should contain more details about how stormwater could be considered a source of water for managed aquifer recharge projects.

There appears to be no consideration of turbidity associated with high flows and turbidity's effect on operations and maintenance of managed aquifer recharge facilities. Consideration of turbidity with high flows likely will reduce the number of delivery days to offset operations and maintenance costs of managed aquifer recharge facilities.

The plan assumes that the groundwater recharge rate will be maintained through a program of periodic rehabilitation of the infiltration structure(s). However, rehabilitation could mean a number of things including excavating managed aquifer recharge facilities and screening out fines, which are not compatible with some of the natural areas identified as managed aquifer recharge locations.

## Net Ecological Benefit

The WRIA 14 watershed plan estimates a surplus and net ecological benefit of 965 acre-feet per year. This includes a number of projects that we feel either are uncertain or highly conceptual and thus should not be included. In addition, there are projects that we felt overestimated the potential benefit. Given the surplus, if the authors of the plan were to reduce or remove projects, it still is likely there would be a net ecological benefit. The offsets and benefits for the remaining projects should be summed up to ensure that they will still offset projected consumptive use and provide a net ecological benefit. The location and quantity of net ecological benefit shows a deficit in three subbasins and a surplus in five subbasins. Additional offset projects should be considered to improve spatial distribution of offset projects to correspond to permit-exempt well locations and their impacts on specific subbasins.

The plan also identifies twenty-five habitat projects. The plan states that the ecological and streamflow benefits from these projects are supplemental to the quantified water offset projects but will contribute to achieving net ecological benefit. There are at least three habitat projects that appear to benefit marine or estuarine habitats and, while beneficial for salmon and other species, they should not be considered contributing to net ecological benefit. In addition, habitat projects without a

project sponsor suggest a high likelihood that they will not be implemented. These should be flagged as conceptual only and not included.

## Recommendations

The panel has identified specific recommendations and revisions for each plan, found in Appendix A: Detailed Review Comment Tables for WRIA 7, 8, 13, 14, and 15. The detailed comments include minor edits, inconsistencies, suggestions for clarity, identifies projects to remove or re-evaluate, and other technical recommendations.

The offset projects generally include many that are highly conceptual, and feasibility analyses may find that potential offsets in acre-feet per year are too high. More conservative estimates should be used for most of the managed aquifer recharge, rooftop runoff/low-impact development, and water right acquisition projects while keeping the estimates for wastewater infiltration. Remove Schneider's Prairie Off-Channel Connection project from the plan as it is in WRIA 13.

The estuarine and nearshore projects are good habitat projects for salmon and other fish but would not provide an offset to projected consumptive use and should be removed from the list of projects. If habitat projects don't have a sponsor or landowners have not indicated some interest, then the project really is only conceptual and should not be included.

Because the location and quantity of net ecological benefit shows a deficit in three subbasins and a surplus in five subbasins, additional offset projects should be considered to improve spatial distribution of offset projects to correspond to permit-exempt well locations and their impacts on specific subbasins.

Consider solutions that address root causes of reduced summer base flows and use natural stream processes to reverse root causes. Wood additions can be used to accrete sediments to raise streambed and water table elevations. Include a discussion that recognizes that raised streambed elevations also raise water table elevations to address root causes of reduced summer base flows. Accreted sediments in streams also act as filter media to improve water quality. Wood placements that effectively raise streambed elevations can be coupled with riparian plantings to minimize lateral stream migration. Riparian plantings also improve water quality by shading streams and promoting fine sediment deposition on floodplains.

We recommend using stormwater for managed aquifer recharge source water rather than surface water. Many managed aquifer recharge projects use surface water for their sources, which does not appear to consider that stormwater discharges to streams increases turbidity. Intercepting stormwater before it enters natural streams avoids increases in erosion and turbidity. The plan should evaluate existing stormwater conveyance systems for managed aquifer recharge source water and consider if turbidity during high flows can be allowed or if increased turbidity effects operations and maintenance costs to such a level that the number of diversion days must be reduced.

The plan should use caution when replicating natural annual hydrographs through further manipulation of natural stream hydrography (i.e., stream withdrawals to source managed aquifer recharge projects). Instead, the plan should develop and evaluate projects that reduce alterations of natural stream hydrology and avoid further manipulation of natural stream processes.

We recommend the plans be revised to remove some of the less likely projects and consider other recommendations above, and the quantifies of offsets for the remaining projects should be summed up to ensure that they will offset consumptive use will provide a net ecological benefit.

Finally, include mechanisms for monitoring, assessment, accountability, and adaptation to ensure successful implementation of the plan. Plan adaptation should address:

- Identification of additional consumptive use offset or habitat projects.
- Changes in the feasibility and / or priority of habitat or consumptive use offset projects.
- Consumptive use or offset changes due to better data, including changes from a changing climate.

## WRIA 15

### Introduction to the Watershed Plan

WRIA 15, the Kitsap watershed, encompasses the entire Kitsap Peninsula and surrounding islands. It covers 676 square miles including Kitsap County and portions of King, Mason, and Pierce Counties. Major drainages include Dewatto, Tahuya, and Union Rivers and dozens of independent streams. WRIA 15 is divided into seven subbasins.

The WRIA 15 watershed plan projects 5,215 new permit-exempt domestic wells in the twenty-year planning horizon with an estimated consumptive use of 718 acre-feet per year. A total of fifteen water offset projects would provide an expected offset of 2,873 acre-feet per year to benefit streamflow. This is estimated to provide a total net surplus offset of 2,155 acre-feet per year. The plan identifies thirty-one habitat projects designed to provide a variety of ecological benefits.

### Technical Summary and Review Comments

#### Consumptive Use

A total of 5,215 new permit-exempt wells are expected in WRIA 15 by 2038, with an estimated use of 718 acre-feet per year (Table 10). Kitsap County is projects to experience the most, with 2,568 new wells, followed by Mason County with 1,301 new wells, Pierce County with 978 new wells, and King County with 368 new wells.

**Table 10. Estimated Consumptive Use for WRIA 15**

Wells and Consumptive Use	Quantity
Projected number of permit-exempt wells in the twenty-year planning horizon	5,215
Indoor consumptive use, acre-feet per year/per well (average)	0.0168
Outdoor consumptive use, acre-feet per year/per well (average)	0.121
Total estimated consumptive use from 2018-2038, acre-feet per year	718

The method used to project the number of new permit-exempt wells in WRIA 15 is based on recommendations from Appendix A of Ecology's *Final Guidance for Determining Net Ecological Benefit*. Ecology used growth estimates and growth allocations that were prepared by individual counties to forecast the number of permit-exempt wells in the twenty-year planning horizon. Ecology also forecasted the number of permit-exempt wells by subbasin.

The method assumed an average indoor use per person per day and used estimates of average irrigated area (outdoor lawn and garden areas), the amount of irrigation, and irrigation efficiency to derive the total water use per household with a permit-exempt well. A large portion (90 percent) of the indoor water use returns to groundwater via septic tanks and is not counted as a consumptive use. A small portion (20 percent) of the outdoor water use returns to groundwater or surface water and is not counted as a consumptive use.

To estimate the average irrigated area for a new residence using a permit-exempt well, the lawn and garden areas of eighty parcels distributed throughout the WRIA and representative of a range of property values were analyzed. The average irrigated area was estimated to be 0.8 acre.

The methodology used to project the number of permit-exempt wells and estimate consumptive use in WRIA 15 was consistent with WRIs 13 and 14, the other watershed plans reviewed by our team. The indoor consumptive use per permit-exempt well estimated for WRIA 15 was the same as for WRIs 13 and 14. The outdoor consumptive use estimated for WRIA 15 was slightly lower than for WRIs 13 and 14. The difference is caused by a larger average irrigated area used in WRIs 13 and 14 (0.1 acre) compared to WRIA 15 (0.08 acre).

The estimated outdoor consumptive use is much greater than the indoor consumptive use and comprises 90 percent of the total consumptive use. Ecology expects the outdoor water use will occur mainly in summer, but the consumptive use calculations present an average annual use, not the summer use. Showing the summer consumptive use would help guide implementation of future water offset projects as the largest streamflow deficits occur in summer. However, the consumptive use projections were developed using the methods found in Appendix A of *Ecology's Final Guidance for Determining Net Ecological Benefit* and are consistent with those methods.

## Water Offsets

The WRIA 15 committee identified fifteen water offset projects, across seven subbasins, which if implemented would provide a total water offset of 2,873 acre-feet per year (Table 11). The total offset

yields a surplus offset of 2,155 acre-feet per year above the 718 acre-feet per year consumptive use estimate.

Subbasins were delineated by Ecology and the Watershed Restoration Committee to describe the location of projected new consumptive water use and as a guide to developing projects that offset that use in the same general location and that addressed habitat needs to provide net ecological benefits.

**Table 11. Estimated Water Offsets for WRIA 15**

Project	Short Description	Subbasins Benefiting	Estimated Offset Benefits (acre-feet per year)
Kingston Wastewater Treatment Plan	Reclaimed water to recharge groundwater	North Hood Canal, West Sound	328
Central Kitsap Water Treatment Plan	Reclaimed water for stream augmentation	North Hood Canal, West Sound	560
Tahuya Managed Aquifer Recharge	Managed aquifer recharge	South Hood Canal	200
South Hood Canal Lakes Managed Aquifer Recharge	Surface water storage and aquifer recharge	South Hood Canal	62
Bainbridge Island Managed Aquifer Recharge Opportunities	Managed aquifer recharge through diversion of flow and infiltration	Bainbridge Island	64.2
Belfair Wastewater Treatment Plant	Reclaimed water for infiltration to recharge groundwater	South Sound	70
Rocky Creek Managed Aquifer Recharge	Managed aquifer recharge through diversion of flow and infiltration	South Sound	150
M&E Farm Stormwater Infiltration	Stormwater collection and infiltration to recharge groundwater	Bainbridge Island	8
Ridgetop Boulevard Stormwater	Stormwater collection and infiltration to recharge groundwater	West Sound	126.7
Mason County Rooftop Runoff	Recharge groundwater through infiltration at homes	South Hood Canal, South Sound	71
Beall Creek	Flow improvements	Vashon Maury	26
Stream Augmentation	Discharge water indirectly into streams to augment streamflow	Bainbridge Island (future), North Kitsap, South Sound, West Sound	632
Forests for Streamflow	Acquire forestland to preserve stands or emphasize longer harvest interval	Bainbridge Island, North Hood Canal, South Hood Canal, South Sound, South Sound Islands, Vashon Maury, West Sound	241.2
Raingardens and Low Impact Development	Improve infiltration on impervious surfaces that generate stormwater	Bainbridge Island, North Hood Canal, South Hood Canal, South Sound, Vashon Maury, West Sound	188

Project	Short Description	Subbasins Benefiting	Estimated Offset Benefits (acre-feet per year)
Water Right Acquisitions	Permanently protect water rights, habitat improvements	Bainbridge Island, Vashon Maury	146
		Total	2,873

The plan lists primary limiting factors of channel and streambed degradation, increased peak flows, low streamflow, loss of upland forest cover, loss of riparian forest, and loss of floodplain connectivity and habitats. The limiting factors listed all speak to past land-use practices of removing wood from streams and draining wetlands that resulted in reduced streambed and water table elevations. These practices coincided with increases in stormwater and associated water quality and quantity impacts. This does not appear to be appropriately identified and many solutions rely on further manipulation of natural systems instead of restoration of natural processes.

The plan cites the National Oceanic and Atmospheric Administration's Puget Sound Watershed Characterization Project, which is a tool used in Puget Sound by planners and resource managers to identify priorities for habitat protection and restoration. The characterization project directs planners to identify the root causes of watershed issues and develop appropriate solutions. The plan fails to identify stream degradation as a root cause of reduced base flows even though it is well understood that reduced streambed elevations directly impact water table elevations and base flow volumes. The plan's Table 14 lists channel and streambed degradation, degradation of wetland and shoreline habitats, or loss of floodplain connectivity and habitats, as a habitat limiting factor addressed for twenty-three of the thirty-one habitat projects. This is an indication of root causes of reduced summer base flow. Channel degradation reduces water table elevations. Furthermore, the plan fails to sufficiently promote projects that specifically raise streambed and water table elevations.

Forest protection projects seem like a good idea, but there is uncertainty about the age of the stands. These also are largely protection projects and while protection is always cheaper than restoration or mitigation, the benefits seem theoretical, and the forestry offset should be considered.

It is unclear if forest protection projects are considered an offset project by the Department of Ecology. It is clear from literature that mature forests provide better in-stream flows, but not clear if the parcels would become mature forest anyway. **Moreover, one could argue that these that forest protection projects are meant to prevent future groundwater depletion rather than address water extraction.**

## Net Ecological Benefit

The watershed plan estimates a surplus and net ecological benefit of 2,155 acre-feet per year just by accounting for the offset projects. However, this includes a number of projects that we felt were uncertain and thus should not be included. In addition, there are projects that we felt overestimated the potential benefit. Given the surplus, if the authors of the plan were to reduce or remove unlikely projects, it still is likely there would be a net ecological benefit. The location and quantity of net

ecological benefit shows that all subbasins have a surplus, though this may change when the offset is revisited to adjust for our suggestions.

The plan also identifies thirty-one habitat projects. The plan states that the ecological and streamflow benefits from these projects are supplemental to the quantified water offset projects but will contribute to achieving net ecological benefit. However, there are a few habitat projects that appear to benefit marine or estuarine habitats and, while beneficial for salmon and other species, should not be considered contributing to net ecological benefit. In contrast to other WRIAs, all the habitat projects have sponsors and thus may be more likely to be implemented.

## Recommendations

The panel has identified specific recommendations and revisions for each plan, found in Appendix A: Detailed Review Comment Tables for WRIA 7, 8, 13, 14, and 15. The detailed comments include minor edits, inconsistencies, suggestions for clarity, identifies projects to remove or re-evaluate, and other technical recommendations.

The offset projects generally include many that are highly conceptual, which suggests that the potential offset in acre-feet per year is too high. More conservative estimates should be used for most of the managed aquifer recharge, rooftop runoff/low-impact development, and water right acquisition projects while keeping the estimates for wastewater infiltration. Projects that pump groundwater to augment surface water should not be considered as offset projects.

Estuarine and nearshore projects are good habitat projects for salmon and other fish but would not provide an offset to projected consumptive use and should be removed from the list of projects.

Consider solutions that address and enhance natural processes. Wood additions can accrete sediments and increase water table elevations. Include discussion of projects that raise streambed elevations to raise water table elevations. Accreted gravels in streams act as filter media and improve water quality. If wood additions are coupled with riparian plantings, lateral stream migration can be arrested. Water quality is improved by shading streamflow and fine sediments tend to deposit on floodplains with intact riparian corridors.

Recognize root causes of reduced summer base flows and develop strategies for reversing root causes. Display a preference for intercepting stormwater before it enters natural streams and increases in erosion and turbidity. Develop and evaluate projects that reduce alterations of natural stream hydrology and avoid further manipulation of natural stream processes.

Evaluate existing stormwater conveyance systems for managed aquifer recharge source water, including an evaluation of water quality. Consider the turbid waters' plugging effect on managed aquifer recharge facilities. Make estimates of turbidity during high flows. Evaluate if turbid flows can be allowed or if they will increase operations and maintenance costs to such a level that the number of diversion days must be reduced.



The plan should be revised to remove the less likely projects and consider other recommendations above. The quantities of offsets for the remaining projects should be summed up to ensure that they will still offset projected consumptive use and provide a net ecological benefit.

Finally, include mechanisms for monitoring, assessment, accountability, and adaptation to ensure successful implementation of the plan. Plan adaptation should address:

- Identification of additional consumptive use offset or habitat projects.
- Changes in the feasibility and / or priority of habitat or consumptive use offset projects.
- Consumptive use or offset changes due to better data, including changes from a changing climate.

Specifically, RCO received public comments from the City of Bainbridge and Kitsap County regarding the status of projects included in the WRIA 15 plan. The plan should be updated to reflect projects which have already been completed and update the projects which have changed in scope or are no longer feasible.

## Conclusions

We reviewed the watershed plans for WRIAs 7, 8, 13, 14, and 15 to answer specific questions about consumptive use, water offsets and net ecological benefits.

**Consumptive Use:** *Estimated water consumption from permit-exempt domestic groundwater withdrawals in the next twenty years.* Are the projections technically sound? Was the methodology applied consistently?

- Across all five plans, the consumptive use estimates were technically sound and the methodology was applied consistently. Note that there are recommendations for improving consumptive use estimates in WRIA 7.

**Water Offsets:** *Actions that put water back into aquifers and streams that offset new consumptive water use.* Will the planned projects and actions (if implemented), at a minimum, offset the total projected impacts to in-stream flows from new consumptive water use in all the subbasins in the WRIA?

- Yes, all plans identify projects that offset projected consumptive use impacts, though in particular for WRIAs 13, 14, and 15, we feel that those offsets are too optimistic, and some projects should be removed or offset estimates revised. All plans should be updated to remove projects which have already been implemented, and update project status or costs for projects yet to be implemented. Given the surplus of estimated offsets, we believe that even after removal of more uncertain projects, or revision of benefit, there still will be adequate offsets. However, we recommend that the quantities of offsets for the remaining projects be summed up to ensure that they will offset projected consumptive use.

**Net Ecological Benefit:** *Actions in the plans provide additional benefits to aquifers and streams beyond the minimum to offset projected consumptive use.* Do the plans identify projects and actions that provide additional benefits to in-stream resources beyond those necessary to minimally offset the impacts from new consumptive water use in the WRIA?

- Yes, though, as noted above, there are a number of water offset projects in WRIs 13, 14, and 15 and some habitat projects that should not be included.

While we recommend some minor revisions for WRIs 7 and 8, we felt that they meet the stated intent for watershed restoration and enhancement plans. For WRIs 13, 14, and 15, we recommend revising or removing some habitat projects and addressing other minor comments. Given the surplus of habitat projects, if the authors of the plan were to remove the more uncertain projects, it still is likely there would be a net ecological benefit. However, we recommend that the remaining habitat benefit of the projects be re-evaluated to ensure that the net ecological benefit can still be achieved. It would be helpful to include information showing the stage of the project, its certainty and feasibility, funding source, technical reviews, prioritization, private or public land, and identified project sponsors. We believe this would help evaluate the certainty that these projects will occur.

## References

Washington Department of Ecology (Ecology). 2019. Final Guidance for Determining Net Ecological Benefit. GUID-2094 Water Resource Program Guidance. Publication 19-11-079. Olympia, Washington. Published on July 31, 2019.

## Appendices

Appendix A: Detailed Review Comment Tables for WRIA 7, 8, 13, 14, and 15

# Detailed Review Comment Tables

## for WRIA 7, 8, 13, 14, and 15

### Summary

The following technical comment tables were created by the review panel during their review of the watershed plans. Where relevant to the report, their findings were incorporated into the Watershed Restoration and Enhancement Plan Review Report. These comment tables are provided below to share the WRIA-specific comments the panelists found during their assessment.

### Contents

<b>WRIA 7</b> .....	30
<b>WRIA 8</b> .....	33
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<b>WRIA 7</b>
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WRIA	Section/ Fig/ Table	Page	Review Panel Comment	Tech Aspect
7	all	all	<b>Overall Summary: The plan identifies a total of 11 water offset and 26 habitat projects that would provide an anticipated offset of 1,444 AFY to benefit streamflows and enhance the watershed. Ignores water quality concerns. Needs error bars around assumptions to show uncertainty.</b>	All
7	all	all	<b>The plan projects 3,389 new permit-exempt domestic well connections (PE wells) over the planning horizon. Associated consumptive use with the new wells is 797 AFY</b>	All
7	Throughout		Consider rounding Overall CU to the nearest AFY integer (not tenths). There is a lot of uncertainty in these numbers.	CU
7	4.3	46	Reasonable assumptions: 60 gpd per person - indoor, 2.73 to 2.75 people per household, 0.10 CUF	CU
7	Fig 4.2	49	Consider rounding Overall CU to the nearest AFY integer (not tenths). This figure shows AFY to the nearest integer, but the project is listed to the tenth AFY.	CU
7	4.2.2	40	Potential Flaw: assumptions about building. King Co. based on 2000 to 2017 and Snohomish Co based on 2008-2018. Consider updating years and assumptions to provide consistency across counties.	CU

WRIA	Section/ Fig/ Table	Page	Review Panel Comment	Tech Aspect
7	4.2.2	40	Maybe use Snohomish Co method based on 2008-2018 (or use OFM). Account for new building rates. Consider updating years and assumptions to provide consistency across counties.	CU
7	Appendix B		Some of the King Co subbasins could be refined for CU.	CU
7	Throughout		Review project list for feasibility & certainty. Consider including the likelihood of projects being implemented	NEB
7	Throughout		Estimates may be high for water offsets - state assumptions clearly. Consider stating assumptions of water offset clearly.	NEB/WO
7	Throughout		Significant figures are inconsistent. Consider updating for consistency.	WO
7	Table 4.2	47	Total offset on an annual basis - note that summer consumptive use is much higher than winter consumptive use (see comment on Appendix B, B-48). Consider stating this limitation clearly.	CU
7	Ap B	B-7	Projections: Inconsistent methodology between PE well projections between counties, both in past trends and in potential locations. Note that both methodologies appear valid, but using a single methodology for a watershed would improve consistency. King County's methods result in a higher estimate of PE Wells as building rate from 2000-2009 was much higher than 2010-2017. Consider using the same methodology for both counties.	CU
7	Ap B	B-48	Appendix notes that average water use is one value, but average summer use (due to lawn irrigation) is higher and may need to be considered for offset purposes. Consider stating this limitation clearly.	CU

WRIA	Section/ Fig/ Table	Page	Review Panel Comment	Tech Aspect
7	Table 4.2	47	Note that CU assumed average irrigated area which is lowest of 3 options given in Appendix D - reasonable assumption but check for consistency with other plans. Consider verifying assumptions with other plans.	CU
7	Appendices		Minor comment - overarching page numbers on appendices (most are in WRIA 7) would be useful for referencing. Consider format update for clarity.	other
7	Appendices		Minor comment - would be useful to have consistent Appendices throughout all watershed plans to the extent possible; example: WRIA 7 has meeting summary in Appendix A, WRIA 8's meeting summary is Appendix C. Consider format update for clarity.	other
7	Table 5.1	53	The number of projects in Pilchuck and Patterson seem light, considering the needs. We would have expected to see more projects in Cherry/Harris given projection---even if estimates are low. We would have expected some projects to focus on irrigation and agriculture along the Skykomish and Snoqualmie Rivers, even if only modest offsets to projected consumption. Consider including additional projects in these areas. 10 of 16 subbasins will still have a deficit of water.	NEB/WO
7	Throughout		Technical feasibility - not enough information provided; We would like to see additional information to assess this aspect in projects (landowner issues; funding issues, etc.). Consider updating project list based on likelihood of projects being implemented.	NEB/WO

<b>WRIA 8</b>
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WRIA	Section/ Fig/ Table	Page	Review Panel Comment	Tech Aspect
8	Fig ES.1	9	Format update to identify number of WO & Habitat Projects, similar to WRIA 7 figure.	WO & NEB
8	Throughout		Round Overall CU to the nearest AFY integer (not tenths). There is a lot of uncertainty in these numbers	CU
8	4.3	40	Reasonable assumptions: 60 gpd per person - indoor, 2.73 to 2.75 people per household, 0.10 CUF	CU
8	Overall		Expectations of 967 new permit-exempt wells may be low. Offset assumption of 10 projects providing a surplus for the watershed is great, but there would be a deficit in 6 of 12 subbasins. Water quality concerns are ignored (e.g., nutrients, endocrine disruptors).	CU/WO/NEB
8	Throughout		Known ecological problems are not addressed by Sammamish River projects. Salmon recovery projects have been on list since Basin Planning in the late 1990s, but little progress has been made.	NEB
8	Throughout		Review project list for feasibility, and certainty, maybe a matrix.	NEB
8			Assumptions need to be stated for estimates for WO - state assumptions clearly. Present error bars where appropriate.	NEB/WO
8	Throughout		Update significant figures	WO

WRIA	Section/ Fig/ Table	Page	Review Panel Comment	Tech Aspect
8	Appendix E		Projects in the Sammamish Basin (Sammamish River, Bear Creek, Little Bear, North Creek, and Swamp Creek) seem to have the most mitigating effects on water withdrawals. Instream flows and water withdrawals were ignored for the municipal water supplies. The diversity of projects planned in these basins seem to provide more ecological value. The key will be to implement them. Cedar and Issaquah Basins have little value to instream flow, although Riverbend would have strong ecological value for fish.	NEB
8	Table 4.2	43	Total offset on an annual basis - note that summer consumptive use is much higher than winter consumptive use (see comment on B-48)	CU
8	Appendix D		Projections: Inconsistent methodology between PE well projections between counties, both in past trends and in potential locations - Note that both methodologies appear valid, but using a single methodology for a watershed would improve consistency. King County's methods result in a higher estimate of PE Wells as building rate from 2000-2009 was much higher than 2010-2017	CU
8	Appendix D		Appendix notes that average water use is one value, but average summer use (due to lawn irrigation) is higher and may need to be considered for offset purposes.	CU
8	Table 4.2	43	Note that CU assumed average irrigated area which is lowest of 3 options given in Appendix D - reasonable assumption but check for consistency with other plans	CU
8	Appendices		Minor comment - overarching page numbers on appendices (only some pages are labeled in WRIA 8) would be useful for referencing	other



WRIA	Section/ Fig/ Table	Page	Review Panel Comment	Tech Aspect
8	Appendices		Minor comment - would be useful to have consistent Appendices throughout all watershed plans to the extent possible; example: WRIA 7 has meeting summary in Appendix A, WRIA 8's meeting summary is Appendix C	other
8	General Comment		Technical feasibility - not enough information provided; is there additional information to assess this aspect in projects (landowner issues; funding issues, etc.)? Develop a matrix to show where projects are in development stage.	NEB/WO

<b>WRIA 13</b>
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WRIA	Section/ Fig/ Table	Page	Review Panel Comment	Tech Aspect
13	all	all	<b>Overall Summary: The plan identifies a total of 9 water offset and 19 habitat projects that would provide an anticipated offset of 1,801 AFY to benefit streamflows and enhance the watershed.</b>	All
13	all	all	<b>The plan projects 2,616 new permit-exempt domestic well connections (PE wells) over the planning horizon. Associated consumptive use with the new wells is 434 AFY</b>	All
13	2.1.3	11	Limiting factors are identified but not necessarily addressed. There are opportunities to work with natural stream processes for multi-objective solutions that address habitat, hydrology and water quality. Consider solutions that address and enhance natural processes such as wood additions to accrete sediments and increase water table elevations. Include discussion	NEB

WRIA	Section/ Fig/ Table	Page	Review Panel Comment	Tech Aspect
			<p>of projects that raise streambed elevations to raise water table elevations. Accreted gravels in streams act as filter media and improve water quality. If wood additions are coupled with riparian plantings, lateral stream migration can be arrested. Water quality is improved by shading stream flows and fine sediments tend to deposit on floodplains with intact riparian corridors NEB should be evaluated based on how offsets address salmonid population limiting factors.</p>	
<b>13</b>	2.3.2	16	<p>"...Summer base flows in the watershed are sustained by groundwater." It is important to note that past land use practices of removing wood from streams and excavating drainage ditches through wetlands were performed to lower the water table, remove water from the landscape, and influence local groundwater trends to make water flow out of our streams. Recognize root causes of reduced summer base flows and develop strategies for reversing root causes to improve NEB.</p>	NEB

WRIA	Section/ Fig/ Table	Page	Review Panel Comment	Tech Aspect
13	2.3.3	18	<p>The text recognizes alterations of the natural hydrologic regime, including:</p> <ul style="list-style-type: none"> <li>• alteration of the frequency and magnitude of high flow events (usually associated with increased stormwater runoff from impervious surfaces), and;</li> <li>• reduction of summer base flows that affect the salmonid rearing capacity of streams (usually associated with reduced infiltration of groundwater, water withdrawals, or excess coarse sediment that can cause the flow to go subsurface)." Recognize root causes of reduced summer base flows and develop strategies for reversing root causes to improve NEB. Display a preference for intercepting stormwater before it enters natural streams and subsequent increases in erosion and turbidity.</li> </ul>	NEB
13	5.1	34	<p>"Restoring floodplain connectivity and streamflow regimes, and re-aggrading incised channels are most likely to ameliorate streamflow and temperature changes and increase habitat diversity and population resilience (Beechie et al. 2013)." Include discussion of projects that raise streambed elevations to raise water table elevations. Floodplain connectivity offsets can be evaluated with analyses similar to those identified in the paragraph that spans Pages I-26 and I-27 in Appendix I and the following paragraph on page I-27.</p>	NEB

WRIA	Section/ Fig/ Table	Page	Review Panel Comment	Tech Aspect
13	5.2.1.1	34	<p>"MAR potential was estimated in terms of 1) potential locations suitable for MAR projects, 2) flow available for diversion during high flows, and 3) the number of days when diversion is feasible." However, suitability of potential MAR project locations appears skewed toward streamflow withdrawal (<math>1/4</math>-<math>1/2</math> mile from streams). Review of appendices does not reveal that existing stormwater conveyance systems were evaluated as source water for MAR candidate sites. Flow available during high flow appears to ignore the influence that turbid flows will have on operations and maintenance of MAR facilities. Feasibility analyses will likely reduce the number of days when diversion occurs due to the plugging effect of turbid flows. Discharging stormwater to streams, which increases turbidity, then removing flow from streams as source water for a MAR facility ignores the potential for turbid water to reduce the effectiveness of a MAR facility and it ignores increased operations and maintenance costs. Evaluate existing stormwater conveyance systems for MAR source water. Consider the turbid waters' plugging effect on MAR facilities. Make estimates of turbidity during high flows. Evaluate if turbid flows can be allowed, or if they will increase operations and maintenance costs to such a level that the number of diversion days must be reduced.</p>	CU Offset Development and Evaluation
13	5.2.1.1	35	<p>MAR offsets could be overestimated since there appears to be no consideration of turbidly effects on operations and maintenance costs. Consider turbid waters' plugging effect on MAR facilities. Make estimates of turbidity during high flows. Evaluate if turbid flows can be allowed or if they will increase operations and maintenance costs to such a level that the number of diversion days must be reduced.</p>	CU Offset Evaluation

WRIA	Section/ Fig/ Table	Page	Review Panel Comment	Tech Aspect
13	5.2.4.1	37	Reconnection of the Schneider's Prairie off channel site represents an opportunity to raise Deschutes River streambed elevation and water table elevation. The off-channel connection will increase conveyance in the reach and the increased conveyance can be offset by reducing conveyance in the Deschutes River mainstem by raising the channel bed. Raising the channel bed will raise the water table and address reduced summer base flow root causes. Develop more solutions to address reduced summer base flow root causes. Include discussion of raised streambed elevations to raise water table elevations. Consider direct stormwater discharge to Schneider's Prairie off channel wetland.	CU Offset Development and NEB
13	5.2.7.1	39	Stormwater source addresses root causes of reduced summer base flow. Consider more projects with similar stormwater sources.	CU Offset Development and NEB
13	Table 12	57-64	Past land use practices often included management aimed at reducing streambed and water table elevations. Channel and streambed degradation is listed as a Habitat Limiting Factor Addressed for 16 of the 19 habitat projects listed in Table 12. This is an indication of root causes of reduced summer base flow. Channel degradation reduces water table elevations. This is a legacy of past land use practices. Consider solutions that address and raise streambed and water table elevations. Projects that seek to raise water table elevations address root causes of reduced summer base flow. Such projects should rank highly for NEB.	CU Offset Development and NEB
13	Appendix I	I-6	Reduction of stormwater flows from 3.5 cfs to 3 cfs appears arbitrary. Provide justification for reduction.	other

WRIA	Section/ Fig/ Table	Page	Review Panel Comment	Tech Aspect
13	Appendix I	I-7	NOAA Puget Sound Salmon Recovery Plan identifies alterations of natural stream hydrology as a high priority limiting factor in WRIA 13 and streamflow is important for supporting riparian vegetation and wetlands that provide shading, wildfire breaks, food web support, and flood and sediment attenuation functions. Develop more solutions that consider natural processes to improve NEB.	CU Offset Development and NEB
13	Appendix I	I-11	The Narrative Description for MAR projects mentions stormwater as a source for MAR projects. Yet, it is the only occurrence of the word "stormwater" in the entire description for Managed Aquifer Recharge Projects in WRIA 13, pages I-11 through I-34. Provide consideration of stormwater as a source for MAR projects.	CU Offset Development and NEB
13	Appendix I	I-12	"Favorable MAR locations were defined as those within 0.25 and 0.5 miles from a potential source stream or river" is the only bullet listed under "Distance to potential water source" This can be interpreted as a bias toward surface water extraction from natural stream flows to source water to MAR facilities. Provide consideration of stormwater as a source for MAR projects.	CU Offset Development and NEB
13	Appendix I	I-13 - 16	Many MAR facility locations are natural areas and there is no indication of natural resource impacts associated with the MAR. MAR sites could be an ecological benefit or impact depending on the MAR design. The MAR design could have passive controls that raise streambed elevations and increase floodplain inundation, or it could include forest clearing, berms for water retention and engineered diversions. Without a description of the design concept, NEB associated with MAR is difficult to determine. Improve description of MAR facilities to assist in determining NEB.	CU Offset Development and NEB

WRIA	Section/ Fig/ Table	Page	Review Panel Comment	Tech Aspect
13	Table 2	I-16	<p>There appears to be no consideration of turbidity associated with high flows and turbidity's effect on operations and maintenance of MAR facilities. Consideration of turbidity with high flows will likely reduce the number of delivery days to offset operations and maintenance costs of MAR facilities. Consider turbid waters' plugging effect on MAR facilities and operations and maintenance costs.</p>	CU Offset Development and Evaluation
13	Table 5	I-20	<p>There appears to be no consideration of turbidity associated with high flows and turbidity's effect on operations and maintenance of MAR facilities. Consideration of turbidity with high flows will likely reduce the number of delivery days to offset operations and maintenance costs of MAR facilities. Consider turbid waters' plugging effect on MAR facilities and operations and maintenance costs.</p>	CU Offset Development and Evaluation
13	Appendix I	I-22	<p>"In the Puget Sound Salmon Recovery Plan, NOAA identifies the alteration of natural stream hydrology as a high priority limiting factor in WRIA 13 (NOAA 2007), and streamflow is important for supporting riparian vegetation and wetlands that provide shading, wildfire breaks, food web support, and flood and sediment attenuation functions." Solutions presented rely on further alteration of natural stream hydrology by removing surface water from natural streams during high flows. The Plan does not provide a convincing evaluation of using stormwater sources which would reduce alterations of natural stream hydrology. Develop and evaluate projects that reduce alterations of natural stream hydrology and avoid further manipulation of natural stream processes. The Plan should use caution when citing the quote from the Puget Sound Salmon Recovery Plan and claiming in the following paragraph that further manipulation of natural stream hydrology will provide a benefit to juvenile salmonids.</p>	CU Offset Development and NEB

WRIA	Section/ Fig/ Table	Page	Review Panel Comment	Tech Aspect
13	Appendix I	I-23	"The rates of diversion will be precisely maintained through engineering controls" does not consider the effects of sediment transport dynamics in natural alluvial systems.	CU Offset Development and NEB
13	Appendix I	I-33	"Groundwater recharge rate will be maintained through a program of periodic rehabilitation of the infiltration structure(s)." Rehabilitation could mean a number of things including excavating MAR facilities and screening out fines, which is not compatible with some of the natural areas identified as MAR locations. Description of operations and maintenance actions associated with MAR facilities is inadequate for assessing NEB.	CU Offset Development and NEB
13	Appendix I	I-43 - I-47	The straight alignment of Chambers Creek represents excavated wetland drainage ditches. It is commendable to increase sinuosity, but the apparent historical impact also includes reducing streambed elevations. The description does not address streambed elevations. Increasing streambed elevations would increase water table elevations and address root causes of reduced summer base flows. It is unclear if raising streambed elevations in Chambers Creek is considered. Please identify if streambed elevations will be raised to raise water table elevations.	NEB
13		35	The Water Rights Opportunities are the ones that seem to most directly offset consumptive use estimates. MAR next, then LID and stormwater projects. My concern with the LID and stormwater is they are infiltrating stormwater into groundwater, and I would think there would be some WQ or contaminant issues. None of the MAR projects appear to use recycled Class A water from water treatment plants.	CU Offset Development and NEB



WRIA	Section/ Fig/ Table	Page	Review Panel Comment	Tech Aspect
13		36	Good to see not considering the LID projects and Woodard Creek projects due to uncertainties. No action required.	CU Offset Development and NEB
13		37-38	There seems to be quite a bit of uncertainties with Schneider's Prairie project. Revisit whether offset is warranted given uncertainties.	CU Offset Development and NEB
13		38	Donnelly Drive Infiltration Galleries – I would be concerned about WQ and pollutants with this project. Address concerns about pollutants in stormwater.	CU Offset Development and NEB
13		45-46	Zangle Cove and Evergreen State College appear to be marine armor removal. This would not seem to meet the guidelines for habitat project offsets as they don't mention marine or nearshore projects. I would suggest removing these two projects or providing justification so it offsets freshwater habitats.	CU Offset Development and NEB
13		50	The 1,801 AFY far exceeds estimate of 434 AFY of consumptive use, but I think the 1,801 is still a liberal estimate. I would ramp that back based on the number of off-set projects that are purely conceptual or seem to have some issues. Authors should reconsider estimates of offset for more uncertain projects.	CU Offset Development and NEB

WRIA	Section/ Fig/ Table	Page	Review Panel Comment	Tech Aspect
13		52	I understand that the term Net Ecological Benefit is undefined, but it appears it is being defined as the offset projects exceeding the estimated consumptive use. Figuring out what a reduction in stream flow would mean for fish would require detailed hydraulic mapping and isn't really feasible at the watershed scale. For habitat projects one could come up with an increase in amount of habitat or juvenile salmon capacity based on area or length of stream habitat created or improved. However, I'm not sure it would add much because the habitat projects aren't being used for the offset. (Comment – no specific action required)	CU Offset Development and NEB
13		53	It is concerning that 4 subbasins are projected to have surpluses and 5 deficits. This coupled with uncertainties around implementation of projects and somewhat liberal estimates of total offset are a concern. Consider revising estimates of volume of offsets. The lack of projects in so many subbasins is a concern, but not sure how it can be addressed.	CU Offset Development and NEB
13	Table 12		Again, I'm not sure the nearshore projects should be included. Not saying they aren't good projects, but given they are in marine environment, they aren't doing anything for instream flows. Consider removing these projects or provide justification how offset freshwater habitats.	CU Offset Development and NEB
13	Appendix 12	I-2 – I-5	Donnelly Drive Infiltration Gallery - no project sponsor. Has a sponsor been identified? Adds to uncertainty related to benefits.	CU Offset Development and NEB
13	Appendix 12	I-11 to I-14	MAR projects are all very conceptual. Reconsider or justify estimate of offset.	CU Offset Development and NEB

WRIA	Section/ Fig/ Table	Page	Review Panel Comment	Tech Aspect
13	Appendix 12	I-25 to I-34	Schnieder's Prairie projects has several uncertainties. Reconsider estimates of offset.	CU Offset Development and NEB
13	Appendix 12	I 58- I 59	WRIA 13 General Floodplain Rest. Projects – all conceptual, no sponsors for any of the projects to date. Seems low likelihood any will be implemented given lack of sponsors, and this was an analysis done by consultant independent of any of salmon recovery groups doing restoration work. The authors should clarify if any of groups doing salmon recovery are considering using this analysis and any of projects identified.	CU Offset Development and NEB
13	General Comments		<ul style="list-style-type: none"> <li>• Population and PE forecasts are consistent among 13, 14, 15</li> <li>• CU estimates are consistent and conservative</li> <li>• Projects supply the required water offsets</li> <li>• Habitat projects are numerous and are based upon projects supplied by committee members, lead entities</li> <li>• An inconsistency is for MAR quantities – different method used in WRAI 13 and 14 compared to 15 for water availability/MAR offset</li> </ul>	CU Offsets
13	2.1.3	8	First paragraph "changing weather patterns" - do you mean climate change? Also says "summer flows are expected to change" - should say summer flows are expected to reduce or similar wording. Sentence should be more direct	General
13	2.3.3	16	Footnote 24 - is that correct?	General

WRIA	Section/ Fig/ Table	Page	Review Panel Comment	Tech Aspect
13	2.3.3	18	Third paragraph. Sentence starting "Comparison of August..." should have a reference. The 7.2 deg F also seems high, I don't think its correct. Take a look at USFS NorWeST site <a href="https://www.fs.usda.gov/rmrs/tools/stream-temperatures-monitoring-and-modeling">https://www.fs.usda.gov/rmrs/tools/stream-temperatures-monitoring-and-modeling</a> for a better estimate. A quick check indicates a 2.4 deg C rise - < 5 deg F	General
13			general comment - found font sizes that weren't consistent in document.	General
13	4.3.1	28	second to last bullet - was that truly a "weighted average"? How was weighting done?	CU Offsets
13	5.2.1.1	35	The "flow rate estimated as less than 2% of minimum flows" seems arbitrary. How was that selected and does that affect the potential size of the MAR project compared to projects in other WRIAs?	CU Offsets
13	5.2.7.1	39	The Hicks Lake infiltration volume equals a flow of 3 cfs for only 49 days. Is that too conservative?	CU Offsets
13	5.3	45	"marginal offset benefit by increasing seasonal storage" - isn't that what the Schneiders Prairie project is?	CU Offsets
13	5.5.3	50	second paragraph. "water storage and stream augmentation". Should be rewritten to say MAR and infiltration projects?	CU Offsets
13	Appendix J		Appears to be redundancies in project descriptions in the appendix.	CU Offsets
13	Appendix H	6	last sentence - spelling error, should be "acres"	CU Offsets
13	App H, Section 5.2	9	2nd paragraph - is that the method used in the plan?	CU Offsets

## WRIA 14

WRIA	Section/ Fig/ Table	Page	Review Panel Comment	Tech Aspect
14	all	all	<b>Overall Summary: The plan identifies a total of 8 water offset and 23 habitat projects that would provide an anticipated offset of 1,725 AFY to benefit streamflows and enhance the watershed.</b>	All
14	all	all	<b>The plan projects 4,294 new permit-exempt domestic well connections (PE wells) over the planning horizon. Associated consumptive use with the new wells is 760 AFY</b>	All
14		all	General comment - Many projects are still very conceptual thus the likelihood of these being implemented is low. I would recommend they dial back their offset of 1,725 to include on the highly likely projects.	CU Offset Development and NEB
14		34	Indicated that highly conceptual projects were removed though it seems like there are many that are still highly conceptual that could be removed.	CU Offset Development and NEB
14		36	Based on details in Appendix I, these projects seem highly conceptual.	CU Offset Development and NEB
14		37	Based on details in Appendix, this is just an analysis of available water rights with some assumption that 10% would be willing to sell.	CU Offset Development and NEB

WRIA	Section/ Fig/ Table	Page	Review Panel Comment	Tech Aspect
14		37	Mason County Rooftop Runoff – Based on assumption of full build-out.	CU Offset Development and NEB
14		38	City of Shelton Reclaimed Water – This seems like most likely of proposed offsets for this WRIA.	CU Offset Development and NEB
14		40	Summit Lake Water System – This seems highly conceptual and based on Appendix I doesn't have homeowner support at this time. Good to see that this wasn't included as an offset.	CU Offset Development and NEB
14	Table 9	49	Chapman Cove project sounds like a marine shoreline or nearshore project and not sure how would off-set consumptive use of well or stream water.	CU Offset Development and NEB
14	Table 9	50	How do acquisition projects off-set consumptive use?	CU Offset Development and NEB
14	Table 9	50	Oyster Bay CE – this is estuarine and marine shoreline. Not clear how would off-set consumptive use.	CU Offset Development and NEB
14	Table 9	51	Case Inlet Bulkhead removal and Little Skookum CE Acquisition are estuarine and marine shoreline projects, not clear how would off-set consumptive use.	CU Offset Development and NEB

WRIA	Section/ Fig/ Table	Page	Review Panel Comment	Tech Aspect
14		56	See comments for WRIA 13 about NEB definition and calculation.	CU Offset Development and NEB
14		57	Surpluses in 5 subbasins and deficits in 3 subbasins though deficits are small with 2 of 3 less than 10 AFY.	CU Offset Development and NEB
14	Table 10	58	With exception of City of Shelton RW/WCC Source Switch (459 AFY) Most of these are highly conceptual. However, if you reduce all the others by half there is still an offset of 1,092 AFY which results in NEB of 332 (1092-760 AFY).	CU Offset Development and NEB
14		60-61	Again, I would remove those that are marine nearshore/estuarine projects. As I note in my comments for appendix, many of these are highly conceptual.	CU Offset Development and NEB
14		74	There is a large surplus, but if you remove many of the highly conceptual projects or reduce the benefit of these highly conceptual projects by half, you are left with a NEB of 332.	CU Offset Development and NEB
14	Appendix I	I-2	Shelton Water Reclaim – in design phase – seems high likelihood	CU Offset Development and NEB
14	Appendix I	I-8	Evergreen Mobile Home Estates Water System Consolidation -decommission wells and go on city water. Direct benefit.	CU Offset Development and NEB

WRIA	Section/ Fig/ Table	Page	Review Panel Comment	Tech Aspect
14	Appendix I	I-12	MAR Projects – These seem very conceptual with only potential locations identified and feasibility seems unknown. Thus, there is high uncertainty of these being implemented. MAR offset of 910 seems high given uncertainty.	CU Offset Development and NEB
14	Appendix I	I-24	Mason County Rooftop Runoff for new rural residential developments of 5 acres or more – requires that proposed requirement is adopted. No indication of how likely this is.	CU Offset Development and NEB
14	Appendix I	I-33	Steamboat Middle Storage Enhancement and Habitat Improvement -expand water storage in an existing forested/non-forested wetland. – because still conceptual only claiming 14 AF/Y	CU Offset Development and NEB
14	Appendix I	I-36	Summit Lake Alternative Water Supply (235 homes) – currently use surface water from Summit Lake...not an offset if pump groundwater or take surface water. Also, would restrict irrigation if on new source which would be a benefit. This seems like an unlikely project with no funding source or homeowner cooperation to date.	CU Offset Development and NEB
14	Appendix I	I-42	Water Right Acquisition – took 90% of available rights. Unclear if anyone interested in selling.	CU Offset Development and NEB
14	Appendix I	I-45	WRIA 14 General Floodplain Restoration Project – Like WRIA 13, this was just based on GIS analysis no idea if feasible or interest in funding these.	CU Offset Development and NEB
14	Appendix I	I-51	Goldsborough Hilburn Restoration Project – Sponsored by SPS Salmon Enhancement Group – seems to be high likelihood of implementation.	CU Offset Development and NEB



WRIA	Section/ Fig/ Table	Page	Review Panel Comment	Tech Aspect
14	Appendix I	I-54	Skookum Valley Ag Project – Sponsored by Squaxin Tribe. – high likelihood.	CU Offset Development and NEB
14	Appendix I	I-58	Skookum Valley Railroad Culvert Blockages – Squaxin Island Tribe – Still need approval of railroad owners.	CU Offset Development and NEB
14	2.3.3	19	Climate impacts discussion isn't consistent with WRIA 13. This description is better and perhaps should be used in WRIA 13 plan.	General
14	4.3.1	28	at end of page starting with "60 gallons per day...". Formatting is off, perhaps this was a sub-bullet?	CU Offsets
14	4.3.1	29	Same comment as in WRIA 13 plan - how was IR weighted average calculated?	CU Offsets
14	5.2.1	36	Same comment as for WRIA 13 - 2% of minimum flows, how was that arrived at?	CU Offsets
14	5.2.1.2	37	10% assumption for water rights - based on recent personal experience that seems high	CU Offsets
14	5.2.8.1	42	1st paragraph - "... no longer being unused." Do you mean "used" instead? Also, our experience with water system consolidations are the larger system wants to acquire the water rights of the smaller system	CU Offsets
14	5.2.8.1	42	2nd paragraph - seems like other projects that had a high degree of uncertainty weren't counted against the offset. Consider not counting this one, even though its small	CU Offsets

WRIA	Section/ Fig/ Table	Page	Review Panel Comment	Tech Aspect
14	5.2.9.2, table 7	45	Table 7 - MAR costs of \$3.1 million seem very low. Note that only 685 AFY have high readiness to proceed and 760 AFY offset is required	CU Offsets
14	5.3	48	I didn't follow this section easily as Table 9 contains different types of projects, but floodplain restoration is the only type of project described in the text. Also, there are type of projects seemingly unrelated to streamflow restoration such as shoreline projects, barrier removals (is it someone else's responsibility to remove the barriers already?)	CU Offsets
14	5.5.2	54	Costs for MAR projects are very low	CU Offsets
14	5.5.3	54	2nd paragraph - "water storage, stream augmentation, and water right acquisitions". Not the correct list of types of projects	CU Offsets
14	6.2.2	58	1st row is a WRA 13, not a WRA 14 project. Delete.	
14	5.3	48	It's not clear how these projects tie into NEB, referring to later NEB section and stating these projects were used to meet NEB. Or in NEB section refer back to this section so there is a connection. Right now, it just says 25 projects are listed, didn't say it is the 25 from section 5.3	NEB
14	2.2.1	13-14	The Puget Sound Watershed Characterization Project identifies the following goals including recommending identification of root causes of watershed issues and development of appropriate solutions is deficient. A predominant root cause of reduced summer base flow is past land use practices and stormwater impacts. Past land use practices of removing wood from streams and draining wetlands resulted in reduced streambed and water table elevations. These land use practices coincided with increases in stormwater and associated water quality and quantity impacts. This does not appear to be appropriately identified and many solutions rely on further manipulation of	NEB

WRIA	Section/ Fig/ Table	Page	Review Panel Comment	Tech Aspect
			<p>natural systems instead of restoration of natural processes. Consider more solutions that address and enhance natural processes. Wood additions can accrete sediments and increase water table elevations. Include discussion of projects that raise streambed elevations to raise water table elevations. Accreted gravels in streams act as filter media and improve water quality. If wood additions are coupled with riparian plantings, lateral stream migration can be arrested. Water quality is improved by shading stream flows and fine sediments tend to deposit on floodplains with intact riparian corridors.</p>	
<b>14</b>	2.3.2	16	<p>The text identifies that local groundwater flows toward streams. It is important to note that past land use practices of removing wood from streams and excavating drainage ditches through wetlands were performed to lower the water table, remove water from the landscape, and influence local groundwater trends to expedite water flow out of our streams to salt water. Recognize root causes of reduced summer base flows and develop strategies for reversing root causes to improve NEB.</p>	NEB
<b>14</b>	2.3.3	17	<p>The text recognizes the importance of water tables' ability to sustain flows during extreme conditions. If we acknowledge reductions in streambed and water table elevations due to past land use practices and we acknowledge that our shallow aquifers as reservoirs to sustain flows during extreme conditions, we must recognize the capacity of these reservoirs have been reduced through past land use practices and storm water impacts and identify these conditions as root causes of reduced summer base flows. Recognize root causes of reduced summer base flows and develop strategies for reversing root causes to improve NEB.</p>	NEB

WRIA	Section/ Fig/ Table	Page	Review Panel Comment	Tech Aspect
14	3	20-22	Subbasin delineation appears appropriate	All
14	4.3	28-33	Consumptive use estimates appear reasonable	CU
14	5.1	35	The Beechie et al. 2013 citation appears misplaced, and it is not included in the References section. Check citations.	NEB
14	5.2.1.1	36	Many MAR facilitates source water from streamflows at high flow. Flow availability during such conditions appears to ignore the influence that turbid flows will have on operations and maintenance of MAR facilities. Feasibility analyses will likely reduce the number of days when diversion occurs due to the plugging effect of turbid flows. Consider the turbid waters' plugging effect on MAR facilities. Make estimates of turbidity during high flows. Evaluate if turbid flows can be allowed, or if they will increase operations and maintenance costs to such a level that the number of diversion days must be reduced.	CU Offset Development and Evaluation
14	5.2.1.3	37-38	LID projects directly address stormwater impacts to water quantity and quality. They also help address spatial disparities in CU impact and offset locations.	NEB
14	5.2.1.1	35	MAR offsets could be overestimated since there appears to be no consideration of turbidly effects on operations and maintenance costs. See comments on Appendices for further MAR comments. Consider turbid waters' plugging effect on MAR facilities. Make estimates of turbidity during high flows. Evaluate if turbid flows can be allowed or if they will increase operations and maintenance costs to such a level that the number of diversion days must be reduced.	CU Offset Evaluation

WRIA	Section/ Fig/ Table	Page	Review Panel Comment	Tech Aspect
14	5.2.1.3	37 - 38	Mason County rooftop runoff infiltration delivers relatively clean stormwater to aquifers where future PE wells impact hydrology. There is likely no better source or location for aquifer recharge. Evaluate more opportunities for infiltration of stormwater.	CU Offset Development and NEB
14	6.2.2	59-60	Additional benefits to instream water resources bullet points are accurate, however, MAR benefits may be offset by impacts to natural resources. MAR projects appear to have a preference to use surface water withdrawals as a source of water. MAR project site descriptions do not identify if they will include land clearing and placement of berms to retain water. MAR project rehabilitation activities lack detail of operations and maintenance activities that could impact natural resources. Provide more detailed descriptions of MAR project concepts and anticipated operations and maintenance activities.	CU Offset Development and NEB
14	Appendix I	I-12	The Narrative Description for MAR projects mentions stormwater as a source for MAR projects. Yet, it is the only occurrence of the word "stormwater" in the entire description for Managed Aquifer Recharge Projects in WRIA 14, pages I-11 through I-24. Provide consideration of stormwater as a source for MAR projects.	CU Offset Development and NEB
14	Appendix I	I-14	"Proximity to potential source" only lists natural streams as water sources and that MAR facilities should be located. No stormwater sources are identified or appear to have been considered. Provide consideration of stormwater as a source for MAR projects.	CU Offset Development and NEB

WRIA	Section/ Fig/ Table	Page	Review Panel Comment	Tech Aspect
14	Appendix I	I-14	The number of diversion days available to divert streams flows appears to be no consideration of turbidity associated with high flows and turbidity's effect on operations and maintenance of MAR facilities. Consideration of turbidity with high flows will likely reduce the number of delivery days to offset operations and maintenance costs of MAR facilities. Consider turbid waters' plugging effect on MAR facilities and operations and maintenance costs.	CU Offset Development and Evaluation
14	Appendix I	I-14 - 16	Many MAR facility locations are natural areas and there is no indication of natural resource impacts associated with the MAR. MAR sites could be an ecological benefit or impact depending on the MAR design. The MAR design could have passive controls that raise streambed elevations and increase floodplain inundation, or it could include forest clearing, berms for water retention and engineered diversions. Without a description of the design concept, NEB associated with MAR is difficult to determine. Improve description of MAR facilities to assist in determining NEB.	CU Offset Development and NEB
14	Table 2	I-18	There appears to be no consideration of turbidity associated with high flows and turbidity's effect on operations and maintenance of MAR facilities. Consideration of turbidity with high flows will likely reduce the number of delivery days to offset operations and maintenance costs of MAR facilities. Consider turbid waters' plugging effect on MAR facilities and operations and maintenance costs.	CU Offset Development and Evaluation
14	Figure 1	I-20	There appears to be favorable geology for MAR facilities in the area around Shelton, WA, WRIA 14's most densely populated area, which likely produces the most stormwater in WRIA 14. Although the Plan says it considers stormwater as a source for MAR facilities, it is not evident. Only stream	CU Offset Development and Evaluation

WRIA	Section/ Fig/ Table	Page	Review Panel Comment	Tech Aspect
			withdrawals are considered. Provide consideration of stormwater as a source for MAR projects.	
14	Appendix I	I-22	The Puget Sound Salmon Recovery Plan identifies the alteration of natural stream hydrology as a high priority limiting factor in WRIA 13 (NOAA 2007), and streamflow is important for supporting riparian vegetation and wetlands that provide shading, wildfire breaks, food web support, and flood and sediment attenuation functions." Solutions presented rely on further alteration of natural stream hydrology by removing surface water from natural streams during high flows. The Plan does not provide a convincing evaluation of using stormwater sources which would reduce alterations of natural stream hydrology. Develop and evaluate projects that reduce alterations of natural stream hydrology and avoid further manipulation of natural stream processes.	CU Offset Development and NEB
14	Appendix I	I-23	"The rates of diversion will be precisely maintained through engineering controls" does not consider the effects of sediment transport dynamics in natural alluvial systems.	CU Offset Development and NEB
14	Appendix I	I-23	"Groundwater recharge rate will be maintained through a program of periodic rehabilitation of the infiltration structure(s)." Rehabilitation could mean a number of things including excavating MAR facilities and screening out fines, which is not compatible with some of the natural areas identified as MAR locations. Description of operations and maintenance actions associated with MAR facilities is inadequate for assessing NEB.	CU Offset Development and NEB

WRIA	Section/ Fig/ Table	Page	Review Panel Comment	Tech Aspect
14	Appendix I	I-25 - 32	Mason County rooftop runoff infiltration delivers relatively clean stormwater to aquifers where future PE wells impact hydrology. There is likely no better source or location for aquifer recharge. Evaluate more opportunities for infiltration of stormwater.	CU Offset Development and NEB

### WRIA 15

WRIA	Section/ Fig/ Table	Page	Review Panel Comment	Tech Aspect
15	all	all	<b>Overall Summary: The plan identifies a total of 15 water offset and 31 habitat projects that would provide an anticipated offset of 2,873 AFY to benefit streamflows and enhance the watershed.</b>	All
15	all	all	<b>The plan projects 5,215 new permit-exempt domestic well connections (PE wells) over the planning horizon. Associated consumptive use with the new wells is 718 AFY</b>	All
15		35	Kingston Treatment Plant Recycled Water – uses recycled water. This affects one small stream (Grovers Creek) on North Kitsap Peninsula.	CU Offset Development and NEB



WRIA	Section/ Fig/ Table	Page	Review Panel Comment	Tech Aspect
15		35	Central Kitsap Treatment Plant recycle – Various uses Central Kitsap	CU Offset Development and NEB
15		36	Tahuya MAR OK, see appendix for feasibility.	CU Offset Development and NEB
15		36	South Hood Canal Lake Storage and MAR (Oak and Shoe Lakes) – This is a water storage project. Is raising elevation lakes and regulating them a good idea? I don't think it will change the ecology of the lakes. MAR seems theoretical.	CU Offset Development and NEB
15		36	Bainbridge Island MAR facilities –Bainbridge Island has low number of PE wells projected. Appendix, indicates It is sponsored and identified by city of Bainbridge Island thus it seems feasible.	CU Offset Development and NEB
15		37	Belfair Wastewater Treatment Plant – Currently operational and irrigates 70 AFY	CU Offset Development and NEB
15		37	Rocky Creek MAR – Seems to have detailed estimates in description, However, appendix indicates that project is conceptual and technical studies needed to determine feasibility.	CU Offset Development and NEB
15		38	M&E Stormwater Infiltration – conceptual? This is part of the City of Bainbridge MAR project. Seems feasible given proposed and outlined by City of Bainbridge.	CU Offset Development and NEB

WRIA	Section/ Fig/ Table	Page	Review Panel Comment	Tech Aspect
15		39	Ridgetop Boulevard Stormwater – two of three phases completed	CU Offset Development and NEB
15		39	Mason County Rooftop Runoff Program – See WRIA 14 comments.	CU Offset Development and NEB
15		40	Beall Creek Flow Improvement –Based on appendix diversion that is a barrier to fish passage. Seems very feasible.	CU Offset Development and NEB
15		40	Stream Augmentation – Pumping groundwater to augment streams seems to defeat purpose. I would remove this one and the 632 AFY.	CU Offset Development and NEB
15		40-42	I agree acquiring forest land would be good, but is this really an offset? Does have 2100 acres identified by project sponsors. I think some additional justification for this approach would be helpful or ecology could clarify if they have this in other areas.	CU Offset Development and NEB
15		42	Rain Garden and LID Package – Perhaps an overestimate of how many and how much. I would be more conservative about estimate as it seems dependent upon homeowner acceptance which may wain with time unless the homeowners see some benefit.	CU Offset Development and NEB
15		43	Water Rights on Vashon-Maury and Bainbridge – are there more details on likelihood of this. Bainbridge and Vashon don't have a very high number of PE wells and offset needed, do they?	CU Offset Development and NEB

WRIA	Section/ Fig/ Table	Page	Review Panel Comment	Tech Aspect
15	Table 11	45-60	Little Manzanita has more than 2000 feet of shoreline and 2.5 acres of tidelands. Good to protect, but I don't think that offsets consumptive use projects. Big Beef Creek has some estuarine. That being said, all these habitat projects have sponsors so they seem likely they will eventually be implemented. There appear to be many good habitat projects in this list and level of detail is much higher than other two plans (WRIA13 and 14). I think the difference between WRIA 15 and 13 and 14 is the salmon recovery dollars being spent in area and entities involved in salmon habitat restoration. The last project "WRIA-wide Beaver Project is mainly an assessment.	CU Offset Development and NEB
15		63	Yes 1.4 million is likely a better average estimate of cost of projects.	CU Offset Development and NEB
15		64	Indicates that all projects in Table 6 have project sponsors and experience implementing these type of projects. However, Table 6 is just the summary of off-sets by basin, so I don't think the statement could really apply to all the types of water offset projects could it?	CU Offset Development and NEB
15		65	While I think there are number of projects in the offset list that have high probability of being implemented, there are others that I think the estimates should be more conservative (e.g., LIDs, forest acquisition) and I think the estimate of 2,873 is too optimistic. I would remove South Hood Canal Lakes MAR (62), Mason County Rooftop Runoff (71), Raingardens and LID (188), Forests for streamflow (241), and stream augmentation (632).	CU Offset Development and NEB
15	Table 13	68	Would be good to see this with the above projects removed.	CU Offset Development and NEB

WRIA	Section/ Fig/ Table	Page	Review Panel Comment	Tech Aspect
15		69	Again I'm impressed that all the habitat projects have sponsors and thus have a high likelihood of being implemented.	CU Offset Development and NEB
15		80	While I think there are some projects that should not be counted for the offset of consumptive use (see comment on page 65), there still appears to be a net ecological benefit if that is being purely defined as difference between potential consumptive use of 718 AFY and offset projects.	CU Offset Development and NEB
15	Appendix E	137	Tahuya River Managed Aquifer Recharge Project – States that is currently at the conceptual level and additional studies needed to determine feasibility. Thus, it should not be considered as part of offset.	CU Offset Development and NEB
15	Appendix E	144	South Hood Canal Lake Storage – Increasing surface area/storage and regulating flow may increase fish barriers. I would remove this one from plan/consideration for offset.	CU Offset Development and NEB
15	Appendix E	161	Rocky Creek MAR – Indicates it is conceptual and studies needed to determine feasibility.	CU Offset Development and NEB
15	Appendix E	166	Mason County Rooftop Runoff for new rural residential developments of 5 acres or more – requires that proposed requirement is adopted. No indication of how likely this is.	CU Offset Development and NEB

WRIA	Section/ Fig/ Table	Page	Review Panel Comment	Tech Aspect
15	Appendix E	192	Pumping groundwater to augment surface water and offset PE wells should be removed from consideration for offset.	CU Offset Development and NEB
15	Appendix E	198	Provides justification showing that young rapidly growing forests can transpire three times more than mature forests. So there is justification for this. The question is would these forests remain mature without protection?	CU Offset Development and NEB
15	Appendix E	211	Rain Garden and LID program. "Barriers to implementation of the WRIA 15 Rain Garden and LID Program include the availability of funding for new project construction and the willingness of private landowners to participate in the program." I think this means that this program is not a guarantee. I would reduce the expected offset as I suspect as time goes on it may be harder to find landowners willing to participate.	CU Offset Development and NEB
15	Appendix E	218	Water rights acquisitions Bainbridge and Vashon. "Barriers to project implementation could be the availability of project funding and the willingness of existing water right holders/property owners to sell their water rights and/or property." Thus, I think it is highly unlikely they will get an offset of 146 AFY.	CU Offset Development and NEB

WRIA	Section/ Fig/ Table	Page	Review Panel Comment	Tech Aspect
15	2.1.3	11	<p>Primary limiting factors of: channel and streambed degradation, increased peak flows, low streamflow loss of upland forest cover, loss of riparian forest, and loss of floodplain connectivity and habitats all speak to past land use practices. Past land use practices of removing wood from streams and draining wetlands resulted in reduced streambed and water table elevations. These land use practices coincided with increases in stormwater and associated water quality and quantity impacts. This does not appear to be appropriately identified and many solutions rely on further manipulation of natural systems instead of restoration of natural processes. Consider more solutions that address and enhance natural processes. Wood additions can accrete sediments and increase water table elevations. Include discussion of projects that raise streambed elevations to raise water table elevations. Accreted gravels in streams act as filter media and improve water quality. If wood additions are coupled with riparian plantings, lateral stream migration can be arrested. Water quality is improved by shading stream flows and fine sediments tend to deposit on floodplains with intact riparian corridors. NEB should be evaluated based on how offsets address root causes of watershed issues through restoration of natural processes.</p>	NEB

WRIA	Section/ Fig/ Table	Page	Review Panel Comment	Tech Aspect
15	2.2.1	13-14	<p>The Puget Sound Watershed Characterization Project recommends Identifying root causes of watershed issues and develop appropriate solutions. A predominant root cause of reduced summer base flow is past land use practices and stormwater impacts. Past land use practices of removing wood from streams and draining wetlands resulted in reduced streambed and water table elevations. These land use practices coincided with increases in stormwater and associated water quality and quantity impacts. This does not appear to be appropriately identified and many solutions rely on further manipulation of natural systems instead of restoration of natural processes. Consider more solutions that address and enhance natural processes. Wood additions can accrete sediments and increase water table elevations. Include discussion of projects that raise streambed elevations to raise water table elevations. Accreted gravels in streams act as filter media and improve water quality. If wood additions are coupled with riparian plantings, lateral stream migration can be arrested. Water quality is improved by shading stream flows and fine sediments tend to deposit on floodplains with intact riparian corridors. NEB should be evaluated based on how offsets address root causes of watershed issues through restoration of natural processes.</p>	NEB
15	2.3.3	17	<p>"Practically all streams in WRIA 15 are augmented by groundwater discharge and many would go dry if groundwater recharge during precipitation became insufficient to maintain streamflow during dry periods (Ecology 1981)." This statement recognizes the importance of water tables' ability to sustain flows during extreme conditions. If we acknowledge reductions in streambed and water table elevations due to past land use practices and we acknowledge that our shallow aquifers as reservoirs to sustain flows during extreme conditions, we must recognize the capacity of these reservoirs have been reduced through past land use practices and storm water impacts and identify these conditions as root causes of reduced summer base flows. Recognize root causes</p>	NEB

WRIA	Section/ Fig/ Table	Page	Review Panel Comment	Tech Aspect
			of reduced summer base flows and develop strategies for reversing root causes to improve NEB.	
15	5.2.2	40	Stream augmentation from pumping groundwater will rely on electricity to pump water for streamflow augmentation. Electric supplies will become more at risk during fire season as climate change worsens. Utilities may preemptively shut off power to avoid causing wildfires, or electricity may be cut off due to wildfires.	CU Offset Development and NEB
15	5.2.2	40-42	Forests for Streamflow Package addresses root causes of reduced base flow, but actual project implementation appears highly speculative with regard to project locations and sponsors.	
15	Appendix E	137 - 143	Tahuya River Managed Aquifer Recharge Project uses streamflow during the wet season as source water to feed infiltration galleries. Flows during the wet season will have a high incidence of turbidity and infiltration galleries will be prone to plugging effects of turbid flows. Maintenance of MAR facilities has not been adequately described and could be extensive. A viable alternative would be extensive large wood placements with the intent to raise streambed elevations in the main stem Tahuya River and tributaries to raise the water table and enhance habitat. This will also make valley bottoms more resilient to fire risk.	CU Offset and NEB
15	Appendix E	143 - 148	South Hood Canal Lake Storage and Managed Aquifer Recharge South Hood Canal Lake Storage and Managed Aquifer Recharge relies on water control structures to be "precisely maintained through engineering controls." Engineered controls can fail, they typically require upgrading, operations and maintenance costs are undervalued, and fish and wildlife habitat value is diminished.	CU Offset Development and Evaluation



WRIA	Section/ Fig/ Table	Page	Review Panel Comment	Tech Aspect
15	Appendix E	150	The Manzanita Creek Miller Road Parcel Infiltration Project should establish clarity of whether the tributary is a natural stream or constructed drainage feature.	CU Offset and NEB
15	Appendix E	161 - 165	Rocky Creek Managed Aquifer Recharge Project diverts surface flows, which can be considered an impact to natural resources. Its benefits are highly uncertain.	CU Offset and NEB
15	4.3.1	26	CU calculation is fine, WRIA 13/14 say they use a weighted average but not explained in those documents. Nothing to change here, pointing out inconsistency	CU Offset
15	5.1	30	Use of "reasonable" - reasonable assurance used in document. "Reasonable benefit" not used and the use of reasonable in 2 places close to each other is confusing. Would replace 2nd use of reasonable with adequate or something similar - section 5.2 has another filter - "greatest potential for implementation"	CU Offset
15	5.1	31	1st paragraph. Other WRIA plans used 10% of identified water rights as possible acquisitions. This plan didn't appear to use same approach	CU Offset
15	5.2	32	note cost of MAR - more reasonable than WRIA 14 plan	CU Offset
15	5.2.1	36	note different approach from WRA 13/14 on MAR quantities in Tahuya River project	CU Offset
15	5.2.1	37	Belfair project - list MAR offset of 70 AFY to be consistent with other project descriptions. Just lists plant capacity now	CU Offset
15	5.2.1	37	Rocky Creek MAR - MAR quantities not consistent with WRIA 13/14 approach	CU Offset
15	5.2.2	43	Water Rights - consistency with other WRIsAs? 10% used in WRIA 14	CU Offset

# Watershed Restoration and Enhancement Plan Tribal and Public Comments

## Summary

At the May 24, 2023 board meeting staff and panel members presented the draft Watershed Restoration and Enhancement Plan Review Report. After the board meeting, staff and the panel packaged the draft report as well as the panel's detailed comment matrix for public comment. The Recreation and Conservation Office offered an opportunity to review and provide comments on the Watershed Restoration and Enhancement Plan Review Report and table of technical comments from the review panel. Documents were made available online on RCO's website. The review period was between July 27 and October 13, 2023. RCO received eleven comments which are provided as Attachment B. After reviewing the public comments the panel revised the draft report in response to some of the comments received. The changes to the draft report are shown in track changes and also summarized in the table below. RCO notified the commenting parties of the revised report, comment table, and of the December 2023 board meeting where the final report will be presented.

Commenting Party	WRIA	Changes made to report
Center for Environmental Law and Policy	7, 8, 13, 14, 15	Added mention of uncertainty of streamflow benefits to WRIA 7 and 8. Added recommendation that after project offsets are revised or removed, that the remaining projects be re-evaluated to ensure consumptive use can be offset and net ecological benefit can be achieved.
City of Bainbridge Island	15	Added recommendation to update list of projects based on current information.
Deschutes Estuary Restoration Team	13	Refer to the plans reviewed as the final draft plans provided by Ecology, not the plans unapproved by the watershed committees. Added recommendation for monitoring and adaptive management.
Kitsap County	15	Added recommendation to update list of projects based on current information.
Kitsap PUD	15	Deleted comment regarding loss of electricity because of potential wildfires
Port Gamble S'Klallam Tribe	15	Added a sentence to indicate that forestry projects are meant to prevent future groundwater depletion.
Snoqualmie Tribe	7, 8	Added recommendation for monitoring and adaptive management for all plans. Added recommendation that after project offsets are revised or removed, that the remaining projects be re-evaluated to ensure consumptive use can be offset and net ecological benefit can be achieved.
Squaxin Island Tribe	13, 14, 15	Added recommendation for monitoring and adaptive management for all plans. Added recommendation that after project offsets are revised or removed, that the remaining projects be re-evaluated to ensure consumptive use can be offset and net ecological benefit can be achieved. Added recommendations that additional offset projects be considered to improve spatial distribution across the WRIA.
Commenting Party	WRIA	Changes made to report

**Table 1.  
Public  
Comment  
Summary**

Suquamish Tribe	15	Added recommendation for monitoring and adaptive management. Added recommendation that after project offsets are revised or removed, that the remaining projects be re-evaluated to ensure net ecological benefit can be achieved.
Thurston County	13, 14	The report recommends evaluating stormwater as a source. It now recommends evaluating stormwater as a source, including water quality.
Washington Department of Fish and Wildlife	14, 15	Added recommendation that after project offsets are revised or removed, that the remaining projects be re-evaluated to ensure net ecological benefit can be achieved.



August 10, 2023

Recreation and Conservation Office  
Attn: Director and Board

RE: Watershed Restoration and Enhancement Plan Review Comments

The Center for Environmental Law and Policy (CELP) appreciates the opportunity to comment on the Watershed Restoration and Enhancement Plan Review for WRIA's 7,8,13, 14 and 15 completed by the Salmon Recovery Funding Board. CELP participated in the watershed planning committees for WRIA's 7, 8 and 13. And followed the planning process for 14 & 15 closely, and we have several key concerns.

Our primary concerns are summarized below:


1. Consumptive use estimates for WRIA's 13, 14 & 15. Estimating outdoor water use is a highly uncertain aspect of projecting future consumptive use impacts, and the fact that different methods were used in different WRIA's based on the consultant that was hired has resulted in grossly underestimating the consumptive water use that needs to be mitigated in WRIA's 13, 14 and 15. These areas are predominantly rural areas where lots are larger, and more likely to use outdoor irrigation at an increased level over more urban areas like WRIA's 8. The consumptive use in WRIA 8 is .42 acre-feet per year per well compared to WRIA 13's .15 af, WRIA 14's .16 af and WRIA 15's .121 af. The planning process required a reliable estimate of future consumptive use to develop an adequate offset portfolio of projects capable of replacing water. These lower consumptive use numbers result in a lower number of projects to offset and replace the water lost. We are concerned that this will result in lower flows and devastating impacts to salmon and other aquatic species in WRIA's 13, 14 & 15. We think these consumptive use numbers should be re-evaluated, and new water offset projects be added to the plans.
2. Uncertainty related to the streamflow benefits. The determination of a given project's contribution to increased streamflows is complex. Ensuring that many of the claimed streamflow benefits described in these plans would require significant analysis beyond the extent conducted during the planning process. We agree with your determination that flow benefits from highly conceptual managed aquifer recharge projects and water right acquisitions that lack identified locations and specificity related to the timing of their anticipated benefits. The disproportionate reliance on these conceptual water replacement projects makes it challenging to evaluate the plan's ability to successfully offset estimated impacts. WRIA 9 discounted the amount of water replacement from managed aquifer recharge projects and added a safety factor to the amount of water that needed to be replaced by 1.5%. This might be an option to address the issue.

3. Uncertainty related to implementation of the plan's components. Various aspects of project implementation carry additional uncertainty. Many projects appear to lack clear sponsors willing to pursue the necessary funding, permits, landowner agreements, or other crucial project development tasks necessary to ensure their implementation. Ecology is not required by the legislation to fund these projects, and funding could be gone by the time they find a sponsor for these projects.
  
4. Tribal Concerns. We believe that these plans did not incorporate the concerns of the tribes that participated. Some of the concerns they raised were about certain projects that were included for water offset, and with the methodology used to determine outdoor consumptive use. More needs to be done to make sure these concerns are addressed before these plans are adopted.

We agree with your comments regarding project location respective to the water use impacts, relying on year-round use without acknowledging that summer use is greater. We also agree that the highly conceptual projects be removed and replaced with projects that can improve flows. These plans do not do anything to account for climate change, or any process for revaluations of water offsets if most of the water projects are not feasible in the coming years. More work needs to be done on these plans to adequately mitigate the impacts of new domestic wells.

We appreciate the opportunity to comment on the review of your plan, and I hope you will reconsider our comments.

Sincerely,

A handwritten signature in black ink that reads "Trish Rolfe". The signature is written in a cursive, flowing style.

Trish Rolfe  
Executive Director



## Department of Public Works – Engineering

August 10, 2023

Megan Duffy, Director  
Recreation and Conservation Office  
1111 Washington Street S.E.  
Olympia, Washington 98501  
VIA Email: [rco-director@rco.wa.gov](mailto:rco-director@rco.wa.gov)

RE: Water Resource Inventory Area (WRIA) 15 Streamflow Restoration Plan Comments

Dear Director Duffy,

Thank you for the opportunity to comment on the Water Resource Inventory Area (WRIA) 15 Streamflow Restoration Plan before it proceeds to the rulemaking process. The City of Bainbridge Island is interested in being an active partner in the future of sustainable streamflows in the Kitsap region. Please consider including these changes in your next draft of the plan.

### City of Bainbridge Island Comments

- The M&E Farm Stormwater Infiltration (15-BI-OP2) is now called the Bainbridge Island Native Food Forest Stormwater Park. Design is complete and the engineer's estimated cost for construction is about \$900,000. (increase likelihood multiplier to 0.9)
- The Forest for Streamflow project on Bainbridge (Springbrook Preserve) is complete and should be removed from the list (subtract 3.2 AF/Y).
- The Winslow WWTP Reclaimed Water project should be added back into the plan. Recent conversations with the Wing Point Country Club indicated that they may be interested in using the reclaimed water. The water offset quantity for the WRIA 15 Watershed Plan is preliminarily estimated to be up to 45 AFY from the golf course based on current water usage and existing water rights. (add 45 AFY). See attached project description from a previous draft of the WRIA 15 plan.



**Department of Public Works – Engineering**

- Replace Miller Rd managed aquifer recharge (MAR) project with Fieldstone Lane Bioretention. The Miller Rd project diverts a disconnected natural stream channel and may be infeasible. Fieldstone Lane bioretention is a nearby project with a slightly smaller contributing basin (subtract 19 AFY, add 4.5 AFY based on the ratio of contributing area basin size to Miller Rd MAR). See attached conceptual project description from a recent watershed assessment project.

We look forward to reviewing the final plan and following the rulemaking process. Please reach out to us with any follow up questions. Thank you for your work on this important body of work.

Sincerely,

A handwritten signature in blue ink, appearing to read 'C. Wierzbicki', is written over the word 'Sincerely,'.

Christopher Wierzbicki  
Public Works Director

Attachments:

Fieldstone Lane Bioretention Project PDF  
Winslow WWTP Reclaimed Water Project PDF

Cc:

Kathryn Moore, RCO



October 13, 2023

Megan Duffy, Director  
Washington State Recreation and Conservation Office  
PO Box 40917  
Olympia, WA 98504-0917



[Sent via electronic mail to [rco-director@rco.wa.gov](mailto:rco-director@rco.wa.gov)]

Re: WRIA 13 Watershed Restoration and Enhancement Plan Review

Dear Director Duffy:

Thank you for the continuing opportunity to provide comments on the report on the technical review by the RCO of the draft final plan for WRIA 13 (Deschutes) (“Plan”) written by the Watershed Restoration and Enhancement Committee (WREC) created for the watershed under the Streamflow Restoration Act (RCW chapter 90.94)(the Act). The below comments are in addition to the comments already provided by DERT to the Recreation and Conservation Office (RCO) and the Salmon Recovery Funding Board (SRF Board) earlier this year. We appreciate the extension of time until October 13 to provide more complete comments, and express our concerns about both the process and the content of the plan delivered by the Department of Ecology (Ecology) to RCO for its review.

We would like to thank you once again for promptly providing us with a copy of the Memorandum of Understanding (MOU) between RCO and the Ecology with regard to review of the final draft plan, after months of our unsuccessful attempts to get a copy from Ecology.

The Deschutes Estuary Restoration Team (DERT) was the environmental representative to the WREC from its inception in 2018 until its last meeting in April 2021. As we believe you are aware, between 2018 and April 2021, the WRIA 13 WREC developed a detailed and comprehensive plan to meet the requirements under the Act. Per the provisions of the Act (RCW 90.94.030(3)), all members of the WREC were required to “approve the plan” prior to adoption by the Ecology. At its April 2021 meeting, every member but one (including Ecology) voted to approve the final draft plan. The member representing the building industry objected to one provision in the final draft plan. That provision recommended the adoption by Ecology of new and updated instream flows. Other members pointed out that by objecting to that provision, and not voting to approve the Plan, the representative was in fact triggering the mandatory rulemaking process under RCW 90.94.030(3)(h). Nonetheless, the building industry representative maintained its position until the June 30, 2021 deadline for approving a plan.

After June 30, 2021, Ecology unilaterally, and without consulting WREC members, made major modifications to the draft Plan developed by the WREC, and submitted it to the RCO in 2022. Ecology did not have the authority to make those changes, which substantially altered both the plan and the evaluation of whether it will achieve net ecological benefit in the watershed.

Since 2009, DERT has been an advocate for the removal of the Fifth Avenue Dam (which created Capitol Lake in 1951), and restoration of the free-flowing Deschutes River, its watershed, and the estuary where the river meets Budd Bay. In this role it has actively been supported by the Squaxin Tribe, local organizations, and many citizens of the area.

As you are no doubt aware, in October 2022 the Washington Department of Enterprise Services (DES) completed a final Environmental Impact Statement (EIS) evaluating the alternatives for the Deschutes River/Capitol Lake, given its multiple environmental, ecological, cultural, and aesthetic problems. The final EIS concluded that the preferred alternative is in fact removal of the dam, and restoration of the river and estuary, for multiple reasons—including reversing the destruction to cultural and historic sites of significant value to the Squaxin Tribe. In 2023 the Legislature appropriated an initial \$7 million to DES to begin the planning and permitting process for dam removal and estuary restoration, which DES anticipates taking three to five years before actual construction begins.

This is an exciting development, and will significantly affect the entire watershed, including full watershed restoration and enhancement that the 2021 WREC Plan is intended to provide. It is in this context that we offer the following comments.

### Comments

We want to note at the outset that the Squaxin Tribe has provided us with a copy of their October 9 comments on the RCO draft technical analysis, along with other documents provided to Ecology as part of the WREC process since 2018. We fully support the comments of the Squaxin Tribe, and defer to their technical expertise and knowledge of the full watershed. We will avoid, in our comments, simply duplicating what the Tribe has said.

The Streamflow Restoration Act, and the plans developed under them, have two fundamental problems:

- There is very little actual data regarding water use from exempt wells, because those withdrawals are not metered. For that reason, the Plan could make some educated guesses as to the 20-year impact on the watershed from those withdrawals, but those guesses could be wildly off. The WREC recognized that, and supported adding buffers and adaptive management where possible to ensure that potential impacts were not minimized. In addition, the WREC unanimously agreed to create a Deschutes Watershed Council that, over time, would monitor uses and impacts and tweak the plan as needed. The need for this is quite evident. For instance, as of April 2021, Ecology had not received any of the annual reports accounting for building permits and new subdivisions using new exempt wells, as required under RCW 90.94.030(4)(v). We believe that those reports would be provided if the Deschutes Watershed Council were monitoring data collection.
- There is no provision for implementation of the plan, or accountability for mitigation projects. Ecology repeatedly stated to the WREC that, once a plan were adopted, it would not commit to taking any implementation actions. For that reason as well, the WREC agreed (unanimously) that the Deschutes Watershed Council would provide oversight for implementation of the mitigation measures, and coordinate with other activities in the watershed addressing related goals (e.g., TMDL plans; salmon recovery plans). This would be important for routine communication, and avoiding duplicative actions.

### Key points (see below for statutory references)

1. The “final draft plan” submitted by Ecology to the RCO is not, as your review states, a plan that was prepared by the WREC. The “final draft plan,” as developed over 2 ½ years by the WREC and completed in April 2021, was substantially modified by Ecology after it was completed by

the WREC. Notably Ecology deleted an entire chapter with policy recommendations that included development of new instream flow rules, and creation of the Deschutes Watershed Council to monitor and coordinate implementation of the Plan. As a result, the plan submitted by Ecology to the RCO is considerably weaker than the plan drafted by the WREC. The Legislature provided Ecology with authority to unilaterally modify a plan, without consulting the WREC, only **after** receiving the analysis and recommendations from the RCO, not before. We request to the RCO that in its analysis it (1) not refer to the plan as the one that was developed by the WREC, and (2) review the changes made by Ecology, and include recommendations for restoration of the deleted and modified provisions that, if included, would make the plan more likely to achieve the objectives of the Streamflow Restoration Act, and also more likely to achieve a net ecological benefit for the watershed.

2. The Ecology plan completely ignores the direction in the Streamflow Restoration Act to address all projected consumptive uses of water over the 20-year planning horizon, and not just those forecast by the predicted increase in new exempt well uses. Ecology took the position at the beginning of the process that the plan would only address exempt well impacts, without any real explanation. In reality, the major existing water uses directly affecting the Deschutes River and its tributaries are well-known. For municipal water suppliers, their existing water system plans would provide information on their forecasted need for additional supplies, and withdrawals, to accommodate growth. Yet there was no effort to acquire and compile this information. For that reason, both the final draft plan and the Ecology plan do not meet the statutory requirements.
3. The initial review by the RCO states that the assumptions regarding exempt well use, and water withdrawals, over the 20 year period, appear to be valid and defensible. We would take issue with that, for the following reasons:
  - The number of exempt wells likely to be drilled over the next 20 years is highly speculative, based on well-intentioned forecasts of population growth, but only for medium growth scenarios. In the view of DERT, the best protection of the watershed required use of a higher-growth estimate.
  - The projected net impact on water resources from the exempt wells assumes a very high return flow to the underlying aquifers from septic system drainfield discharges. There is very little data from studies in Washington to support this assumption.
  - The absence of any metering of water withdrawn from exempt wells means that that water use is speculative, particularly with regard to outdoor water use—which is the highest use during the summer and fall months, which are also the times of year when instream flows are most critical. While there is/was general agreement on in-house water use (stable year-round), the figures for outdoor water use were derived from a statistical model that sampled rural parcels, estimated outdoor water use based on aerial photos, and provided no site visits to those parcels or other ground-truthing of the assumed irrigation. Most disturbing, when the consultants for the WRIA 13 WREC provided their estimates, using this approach, for review to colleagues in their office doing similar work in other watersheds, the conclusions were significantly different, indicating the highly subjective nature of the conclusions. Having accurate projections is critical to the forecast of potential withdrawals, and impacts to streamflows, over the 20-year planning horizon.

4. There is little to no analysis of the impact of climate change on the watershed, instream flows, or withdrawals within the watershed.
5. There is little to no analysis of the impact of other planning and regulatory requirements (e.g., the TMDLs for the Deschutes River, developed by Ecology and adopted by the Environmental Protection Agency and Ecology, respectively; both of which were pending and were adopted in final form after April 2021, and should be identified and included in the scope of the final Plan).

### The RCO draft technical analysis of actions and projects

We agree with the evaluation done by the Squaxin Tribe, and the responses by the Tribe to specific statements in the RCO draft analysis. In particular, we fully agree that projects identified in the plan with little likelihood of implementation, or beneficial impact, should not be included.

### Statutory Provisions

The following are specific statutory provisions that guide the process, including the review by RCO. It is important to understand and acknowledge the precise language used by the Legislature, which governs development of the plan as well as the RCO review, as follows:

- The plan developed by the WRIA 13 WREC, “**should** include recommendations for projects and actions that will measure, protect, and enhance instream resources and improve watershed functions that support the recovery of threatened and endangered salmonids....” RCW 90.94.030(3) (a) [emphasis added]
- “**At a minimum**, the plan **must** include those actions **that the committee determines** to be necessary to offset potential impacts to instream flows associated with permit-exempt domestic water use.... “ RCW 90.94.030(3)(b) [emphasis added]
- The plan “**must** include an evaluation or estimation” of the cost of offsetting “new domestic water uses over the subsequent twenty years, **including** withdrawals exempt from permitting under RCW 90.44.050” RCW 90.94.030(3)(d) [emphasis added]
- The plan “**must** include estimates of the **cumulative consumptive water use impacts** over the subsequent twenty years, **including** withdrawals exempt from permitting under RCW 90.44.050” RCW 90.94.030(3)(e) [emphasis added]
- In the event that the WREC is not able to unanimously agree to a Plan, the Director of Ecology “shall submit the **final draft plan**” to the SRF Board to “provide a technical review **and** provide recommendations to the Director to amend the final draft plan, if necessary, so that actions identified in the plan, after accounting for **new projected uses of water** over the subsequent twenty years, will result in a net ecological benefit to instream resources....The Director [of Ecology] **shall** consider the recommendations and **may** amend the plan without committee approval prior to adoption....After plan adoption, the Director of Ecology “**shall** initiate rulemaking within six months to incorporate recommendations into rules....” RCW 90.94.030(3)(h) [emphasis added]

- Prior to adoption of the plan, Ecology “*must* determine that the actions identified in the plan, after accounting for *new projected uses of water* over the subsequent twenty years, will result in a net ecological benefit to instream resources within [WRIA 13] RCW 90.94.030(3)(c).

We believe that within the RCO review, and set of recommendations, there should be identification of whether the Plan, as provided to RCO by Ecology, meets the statutory requirements. We believe it does not.

Below is a table of the changes made by Ecology (provided by Ecology) that in summary form describes them. Note that Ecology deleted the offset “targets” agreed to by the Committee (making its own determination that they were not needed), and added salmon/habitat projects that were not included in the draft final plan developed by the WREC.

Plan Content	Change from Committee Draft Plan	Justification
Overall	Language changed from committee to Ecology in regards to authorship and recommendations of the plans.	Since these five plans were not completed by the statutory deadline, Ecology took on the role of completing them so they could be recommended to the SRFB. Nevertheless, Ecology retained significant committee input throughout the plan.
Executive Summary and Chapter 1	Removed committee specific language.	Used a template for consistency across all of the plans.
Figures and Tables	Updated to account for changes made to the plan (e.g. consumptive use, offset benefits, projects)	To reflect changes Ecology deemed necessary as the author of the plans.
Chapter 4: Offset Target	Removed the committee’s inclusion of “offset targets.”	The law requires the plan to offset the consumptive use and result in a net ecological benefit. In the WRIA. Neither the law nor POL-2094 nor the NEB guidance requires an offset target. Nevertheless, some committees sought to include yet an additional safety factor. Ecology considers the consumptive use estimates an adequately conservative estimate and the plans all provide additional project offsets and habitat benefits beyond

		what is needed to offset consumptive use.
Chapter 5: Removed Prospective Projects	Removed section on prospective projects, but included language on Managed Aquifer Recharge (MAR) and Water Right (WR) acquisition projects.	Ecology recognizes that projects may be developed in the future that are not currently anticipated, but as written, a majority of the committee's conception of prospective projects was too conceptual to provide reasonable assurances that the plan offsets impacts and results in a NEB for the WRIA.
Chapter 5: Water Offset Projects	Removed offset discount on MAR projects.	Ecology determined the MAR projects were heavily discounted by the committee.
Chapter 5: Habitat Projects	Added new habitat projects that provide benefit to NEB based on information from project sponsors. Some new projects from the salmon recovery plans were added as well.	With additional time and resources to support project development, Ecology has completed additional work on a set of projects to increase the available information and likelihood of implementation.
Removed Committee Policy and Adaptive Management Recommendations	This section was removed from the body of the plans and included in the Appendix.	Ecology does not endorse the recommendations, but retains the recommendations out of respect for amount of effort and importance of these recommendations to some of the committee members.
Policy Rulemaking Recommendations	Added footnote in Appendix F	A footnote was added to the committee's rulemaking recommendation in order to clarify that it would not be possible to complete this type of rulemaking within the two year requirement for rule adoption stated in RCW 90.94.030(3)(h); and that Ecology will discuss with partner governments and stakeholders to explore options.

Revised Net Ecological Benefit Chapter	Revised to include Ecology's analysis and determination of whether the plans meet NEB.	The committee draft plans included the committee's NEB evaluation, prepared based on section 3.2.4 of the Final NEB guidance. The chapters were revised to summarize Ecology's analysis and determination that the plans achieve a NEB.

As mentioned above, one of the policy recommendations made in the final draft was to update the current instream flows, which were adopted more than 30 years ago, and are outdated. Ecology voted for this provision as a member of the WREC (only the building industry representative objected to it). Yet, even after moving the entire set of policy recommendations to an appendix, Ecology added a footnote saying that it could not do this within the two-year rulemaking period of RCW 90.94.030(3)(h)--an objection (and footnote) that it did not provide to the Committee before the vote on plan adoption. There is no explanation for the footnote, nor did Ecology discuss this concern with the WREC.

We are aware that some may consider the RCO's addressing some of the above issues as beyond the scope of the review directed by the Legislature for the final draft plan. We would argue that that is not the case, since all the points we make above can and should be included within a set of recommendations directed toward assuring that the Plan is implemented and will achieve net ecological benefit to the watershed's instream resources. As one example, the RCO and SRF Board could recommend creation of the Deschutes Watershed Council as an action, approved by the WREC, that would make it much more likely to achieve the full restoration and enhancement objectives as prescribed by the Legislature.

This is particularly true given Ecology's open ambivalence towards implementation, and actual completion, of not only the work envisioned in the Plan, but also other provisions of the Streamflow Restoration Act. For instance, under RCW 90.94.030(4)(b), the Legislature authorized Ecology to restrict withdrawals from new exempt wells to no more than 350 gallons per day in the event of drought emergency order being issued by Ecology. During the work of the WREC, there was such an emergency order issued for WRIA 13. When asked if they intended to limit exempt well withdrawals per this provision, it was not clear if Ecology had even considered it; Ecology's response was essentially that it would be too much work and too little gain.

We urge the RCO and the SRF Board to respect the work done by the members of the WREC, and the unanimity of its members on nearly every provision in the final draft Plan.

We want to note that we are now five years into the 20-year period to be covered by the Plan, and five years after the Legislature directed that the planning process be initiated. During that time, and under the terms of the legislation, new exempt wells, with unmitigated impacts to instream resources, have continued to be authorized under new building permits and subdivision approvals. And we anticipate this will continue until 2027, in all likelihood, assuming that Ecology will take a year to evaluate the RCO/SRF Board recommendations and modify and approve a final Plan (the same amount of time it took Ecology to transmit its version of the plan to the RCO), another six months to initiate rulemaking,

and another two years to complete rulemaking (the periods prescribed by the Legislature). In short, the Deschutes watershed will likely only begin to see restoration, enhancement, and offset measures begun nearly 10 years into the 20-year planning process. That is all the more reason for the RCO and SRF Board to ensure that the final Plan is robust and will actually accomplish what the Legislature laid out, and what the WREC attempted to ensure would be achieved.

Thank you for the opportunity to comment.

Sincerely,

David Monthie  
President, Board of Directors  
Deschutes Estuary Restoration Team (DERT)

Note: Also enclosed is a copy of the DERT “signing letter,” provided to Ecology and the WREC at the time that DERT voted to approve the final draft Plan.



**Joel Purdy, Water Resources Manager, Kitsap PUD**

**From:** Joel Purdy <jpurdy@kpud.org>  
**Sent:** Thursday, August 3, 2023 3:32 PM  
**To:** RCO-Director (RCO) <rco-director@rco.wa.gov>  
**Cc:** Angela Bennink <angela@kpud.org>  
**Subject:** Salmon Recovery Funding Board's Watershed Restorations and Enhancement Plan Review Report

External Email

RCO Director,

The SRFB's review report is generally spot on in pointing out the positives and shortcomings of the WRIA 15 plan. However, there is one particular paragraph that I wanted to comment on. On p. 30 (p. 35 of 37 in the PDF), the second paragraph on the page within the Water Offset section of WRIA 15 review:

*Stream augmentation from pumping groundwater twists a root cause problem into a solution. It will rely on electricity to pump water for streamflow augmentation. Electric supplies will become more at-risk during fire season as climate change worsens. Utilities may shut off power preemptively to avoid causing wildfires or electricity may be cut off due to wildfires. Providing generators as a solution to this concern does not address root causes of the problem.*

While I agree that an engineered solution (or "further manipulation of natural solutions") is not ideal, this project is one of the few, other than the reclaimed water projects, that actually puts a quantifiable amount of "wet" water into streams. The SRFB is asking to remove from the WRIA 15 plan "highly conceptual" projects from the offset project list. Yet, the scenario that a wildfire or a utility shutting off electricity for wildfire prevention could put this project at risk is a highly conceptual, speculative, and unlikely idea. This statement could be applied to every project that relies on electricity, yet it is not presented anywhere else in the report. You could also speculate "what if a fire happened?" for every project, but I could not find it elsewhere in the report. The scenario is also untrue. Even if the scenario happened, electrical outages are on the order of hours or days. That amount of time would have negligible impact on the project's overall offsets. **The presented scenario of a loss of electricity because of potential wildfires, a reach at best, should be removed.**

I did notice a few typos but felt it wasn't worth commenting on.

Thank you for the opportunity to comment on the report.

Joel

**Joel W. Purdy, LHG**

Water Resources Manager  
Kitsap PUD  
1431 Finn Hill Rd.  
Poulsbo, WA 98370  
Office (360) 626-7722



## KITSAP COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT

Your partner in building, safe, resilient, and sustainable Kitsap County communities!

Jeff Rimack  
Director

### Watershed Restoration and Enhancement Plan: WRIA 15 Kitsap Watershed

August 14, 2023

Recreation & Conservation Office  
Olympia, WA

David Kinley  
Assistant Director, CBO

RE: Watershed Restoration and Enhancement Plan: WRIA 15 Kitsap Watershed

Dear Director Duffy,

I am writing to submit comments on behalf of Kitsap County on the *Watershed Restoration and Enhancement Plan: WRIA 15 Kitsap Watershed*. Protecting our water supply and streamflow and enhancing ecological functions in WRIA 15 are a high priority for Kitsap County. As a local jurisdiction, we represent all citizens of Kitsap County and manage both built infrastructure and natural assets that provide ecosystem services to our citizens and the environment.

Our comments are primarily limited to updates and corrections to County-sponsored projects or projects that involve Kitsap County in some way. Thank you for considering these comments in your review of this plan.

Project	Comment
15-WS-OP3. Ridgetop Blvd Stormwater	Cost estimate for this project in 2023 is at least \$4 Million.
15-WS-OP1. Kingston Treatment Plant Recycled Water.	Cost estimate for this project in 2023 is \$10.3 Million.
15-NHC-H2. Finn Creek Restoration.	This project subbasin should be West Sound, not North Hood Canal. Also, please add Kitsap County as a co-sponsor with Wild Fish Conservancy. Add to project description: <i>The project also includes replacement of a County-owned fish passage barrier culvert at the intersection of Buck Lake Rd NE and Hansville Rd NE. Kitsap County does not have a cost estimate for this culvert replacement at this time. Current project cost estimate is approximately \$2 Million according to Wild Fish Conservancy, but this estimate does not include the County culvert replacement.</i>
15-NHC-H3. Seabeck Creek Watershed Restoration	Very little detail is provided on this project. It is unclear whether this project includes replacement of any County-owned water crossings. We suggest including additional information about this project.
15-WS-H1. Chico Bridge- Golf Club Hill NW	This project is complete and should be removed. If a replacement project is

needed, we recommend consulting the 2014 Chico Creek Watershed Assessment ([GEI FormalRpt \(westsoundpartners.org\)](#) ). For example, the identified near term priority action to restore stream, floodplain, and riparian functions on County property at Erlands Point Park (Project C3 in the watershed assessment) may be a fit.

We also found a lot of ambiguity in the plan. We request that Ecology clarify the County's role and responsibilities regarding plan implementation.

Thank you for considering these comments in your review of the WRIA 15 plan. Please contact me with any questions.

Sincerely,



Brittany Gordon  
Natural Resources Coordinator  
Kitsap County Department of Community Development  
[bgordon@kitsap.gov](mailto:bgordon@kitsap.gov)  
(360) 801-6240



**PORT GAMBLE S'KLALLAM TRIBE  
NATURAL RESOURCES DEPARTMENT**

31912 Little Boston Rd. NE – Kingston, WA 98346

Dear Director Duffy,

The Port Gamble S'Klallam Tribe possesses reserved water rights recognized by the U.S. Supreme Court (*U.S. v. Winters*, 1908) for consumptive use on the Reservation with a priority date tied to the 1855 Treaty of Point no Point. Aboriginal water rights are further interpreted to guarantee treaty fishing, gathering, and hunting practices. In Washington State, the *Hirst* decision restricts new development that would impact protected streamflow or impair a senior water right. PGST previously took part in the streamflow restoration planning process mandated under the Streamflow Restoration Act (RCW 90.94.030), in response to *Hirst*, ultimately voting against approval of the WRIA 15 Watershed Restoration and Enhancement Plan. The draft of the plan submitted to the Recreation and Conservation Office for review by the Salmon Recovery Funding Board is largely unchanged from the version disapproved by Port Gable S'Klallam Tribal Council Resolution 21-A-056. The Tribe is disappointed that the present draft and SRFB review panel comments do not directly address many of the Tribe's concerns, and we sustain the objections and comments made previously. Below, we offer further observations reflecting on the content of the review panel's comments.

- We agree that assumptions in the Watershed Restoration and Enhancement Plan concerning permit-exempt well development rate and consumptive use are consistent and technically sound. However, the plan does not adequately consider potential changes to typical behavior of permit-exempt well-users from levels established in the analysis. The Puget Sound Lowland is expected to experience an increase in overall annual precipitation over the coming decades, characterized by higher-intensity rainfall during wet winters and longer, drier summers<sup>1</sup>. High-intensity rainfall events may diminish rain infiltration into groundwater systems in Kitsap, limiting the impact of increased annual rainfall on groundwater recharge<sup>2</sup>. As the review notes, water offsets are assessed for continuous implementation and not designed to mitigate increased summer demand and outdoor consumptive use, when low flows have significant impacts on fish, water quality, and – later in the fall – may dramatically limit spawning. The RCO review accurately notes this seasonal variability must be considered in further detail.
- The WRIA report includes mitigation strategies intended to prevent future groundwater depletion rather than compensating directly for anticipated growth, including the acquisition and conservation of existing water rights and the

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<sup>1</sup> Pitz, C.F., 2016, *Predicted Impacts of Climate Change on Groundwater Resources of Washington State*, Washington State Department of Ecology, Publication No. 16-03-006.

<sup>2</sup>ibid.



**PORT GAMBLE S'KLALLAM TRIBE  
NATURAL RESOURCES DEPARTMENT**

31912 Little Boston Rd. NE – Kingston, WA 98346

preservation of mature forestland. These are important habitat projects needed for the purpose of attaining net ecological benefit in WRIA 15 riparian systems but do not directly replace water extracted by exempt wells. In the case of forest conservation, too much uncertainty remains in the impact to streamflow. For the purchase of water rights, it is not clear that this would entail discontinued groundwater appropriation rather than exclusion of unutilized pumping capacity. In both cases, the projects do not directly replace or mitigate anticipated water appropriation from future permit-exempt wells.

- The RCO review accurately questions the quantification of water offsets gained through forest conservation, as noted above. However, the review also calls attention to the importance of restoring natural processes and repairing stream degradation as important goals for streamflow restoration. Forest protection plays an important role in sustaining water table elevations, tree cover, and natural debris within vulnerable riparian systems.
- WRIA15 aquifers are fragmentary and offset projects in one part of the watershed may have little practical impact upon streamflow in areas where permit-exempt wells are concentrated. This issue is exacerbated by the Restoration and Enhancement Plan's use of elongated, heterogenous subbasins in accounting for finer-scale offsets between development and mitigation.

For the above reasons, the Tribe sustains its concerns regarding the WRIA15 plan, which appears insufficient to protect the Tribe's treaty reserved fishing and water rights. We welcome the opportunity to provide comments at this stage of review and look forward to engaging with the revision and rulemaking processes in the future. We continue to believe an adaptive management process, incorporating enhanced monitoring of Kitsap stream flows and seasonal water consumption, is necessary to avoid impairment. Within the watersheds of protected streams, restrictions should be in place on concentrated development of exempt wells until robust, quantified mitigation projects are planned and fully supported for implementation.

Sincerely,

Roma Call

Natural Resources Director  
Port Gamble S'Klallam Tribe



10/12/2023

Megan Duffy  
Director, Washington State Recreation and Conservation Office  
PO Box 40917  
Olympia, WA 98504-0917

*Sent via electronic mail to [rco-director@rco.wa.gov](mailto:rco-director@rco.wa.gov)*

RE: Snoqualmie Tribe's comments on the Watershed Restoration and Enhancement Plan Review Report (WREPRR)

Dear Director Duffy,

Thank you for the opportunity to review and provide comments on the Watershed Restoration and Enhancement Plan Review Report.

The Snoqualmie Indian Tribe ["Tribe"] is a federally-recognized sovereign Indian Tribe and a signatory to the Treaty of Point Elliott of 1855 in which it reserved to itself certain rights and privileges, and ceded certain lands to the United States. As a signatory to the Treaty of Point Elliot, the Tribe specifically reserved to itself, among other things, the right to fish at usual and accustomed areas and the "privilege of hunting and gathering roots and berries on open and unclaimed lands" off-reservation throughout the modern-day state of Washington. Treaty of Point Elliot, art. V, 12 Stat. 928." The Snoqualmie Tribe was a member of the WRIA 7 (Snohomish) and WRIA 8 (Cedar-Sammamish) Watershed Restoration and Enhancement Planning Committees.

As RCO is aware, the Snohomish and Cedar-Sammamish basins are home to ESA-protected salmon and steelhead and resident coldwater fish populations, which contribute to important regional and international fisheries as well as the physical, cultural and mental health, vitality, and well-being of the Snoqualmie People. These watersheds have been degraded over the years due to development, channelization, and reduction in summer flows due to agricultural, residential, and commercial use of the basin's water. Fish runs have been severely reduced, and some species are on the verge of disappearance from the watersheds.

Climate forecasts indicate that the Snoqualmie River basin and the Cedar-Sammamish basin will transition from transient-snow-basins to rain-dominated basins before the end of the century, resulting in higher winter flows, lower summer flows, and higher water

temperatures during the summer. These impacts, coupled with increasing demand for domestic, agricultural, and industrial water supply, are expected to further degrade the productivity of cold-water fish habitat. Focused planning and adaptation work is needed to address future climate forecasts, ensure a reliable water supply for the Tribe, the environment, and other water users, to reverse diminishing trends in native fish populations, and to manage the river basins' water to support both instream and out of stream uses. Unfortunately, the WRIA 7 (Snohomish) and WRIA 8 (Cedar-Sammamish) WRE plans do not provide the necessary level of assurance that the impacts of Permit Exempt Wells (PEWs) will be mitigated (or in the parlance of the plans, "offset") over the course of the planning period, which will end in 2038. We urge RCO to modify the plans as the Snoqualmie Tribe worked tirelessly to do while the Committees worked to meet the deadline imposed upon them, so that at a minimum, there are mechanisms in place for monitoring, assessment, accountability, and critically, **adaptation**, if the offset projects considered in the plans are not being implemented effectively, as the plans project.

Monitoring and assessment, and adaptive management, were originally included in the Draft WRIA 7 and WRIA 8 Plans, but, disappointingly, Ecology removed those sections, likely because Ecology views such elements as an additional burden upon the agency. As the state agency responsible for managing water resources, however, it is incumbent upon Ecology to ensure that WAC mandated minimum instream flows are met and that new development is not illegally and unfairly further impacting water and aquatic resources, and it is unclear how they can meet this responsibility given the high uncertainty around many of the WRIA 7 and 8 WRE offset projects, including lack of project sponsors, lack of adequate funding for projects within basins and across the state, and lack of confidence in offset project effectiveness, even if they are constructed. Furthermore, without this component, nobody is tracking the rate, location, and on-the-ground actual impacts to streamflow from new and future PEWs. Consider the current legislative push to enable quicker development, streamline permitting, etc., to meet housing demand at a vastly increased pace. None of that was considered in the WRE planning processes.

Both the WRIA 7 and 8 committees spent considerable time and effort discussing how to monitor and assess WRE Plan status and effectiveness up until 2038, even without funding or other support from Ecology or the legislature (which we asked for and did not receive). We urge RCO to look to the draft plans from which Ecology stripped those parts. Therein lie clever proposed solutions that the Committee considered for this clearly desperately needed, but curiously and discouragingly absent component. For example, RCO's comment summary table notes broad concerns for both WRIAs 7 and 8 that the plans do not fully offset subbasin-by-subbasin impacts. At a minimum, this must be monitored; ideally, it would be adaptively managed. Unfortunately, neither plan contains these components.

Snoqualmie Tribe is concerned that the Watershed Restoration and Enhancement Plan Review Report glosses over a critical flaw in the WRE Plans: namely, that some of the offset projects identified as needed to offset the expected impacts of PEWs, are ultimately unproven in their feasibility, and untested and unevaluated in their ability to provide any actual mitigation/offset water or net ecological benefit. RCO's comment summary table for WRIA 7 notes that "[e]stimates may be high for water offsets - state assumptions clearly.

Consider stating assumptions of water offset clearly.” This statement downplays a major flaw; without the Managed Aquifer Recharge projects included in the WRIA 7 plan, it cannot meet its needed offset quantity, but confidence is very low in the ability of MAR to provide meaningful offset, let alone the large offset quantities that Ecology proposes. These offset deficiencies persist, in spite of clear concerns with the technical merits and feasibility of MAR projects in Western Washington post-glacial transient-snow basins such as the Snohomish and Cedar-Sammamish, which are also already moving toward a precipitation-driven hydrographs as a result of climate change. The result of all this is far too much uncertainty.

During the WREC process, the WRIA 7 Committee had strong concerns about the technical merits of the Snoqualmie MAR projects. The offset quantities proposed for each MAR project was agreed upon by the committee to be included at a much lower number than what is in the plan that ECY puts forth. The WRIA 7 Snoqualmie MAR sites were picked by an ECY staff person by looking for public land near the river. This sole criteria was used because it is more feasible to implement projects on public land. However, this lone criterion fails to account for any other critical technical aspects, such as: soils, hydrology, saturation, phenology, biota, life histories and ecology, climate change, etc. Furthermore, the offset quantities that ECY are simply the predicted maximum possible annual diversions at those locations, equating all diversion at all times of year as all the same “offset” water. This is clearly an overly crude concept that is ecologically deficient—the concept that all water diverted at all the considered sites, at all times of year, will re-enter the stream at a beneficial time of year, and in an appropriate sub-basin. All of this is absolute conjecture, completely unknown, and most likely untrue, which is why the members of the WRIA 7 technical subcommittee were vocal with their discomfort with it, and why they modified it from the overly optimistic numbers that ECY proposed.

RCO should not be comfortable using ECY’s offset quantities for Snoqualmie MAR projects, which are not founded in scientific findings and methodology. We suggest RCO apply further scrutiny and modification to this component of the plan, and consult with local experts such as Tribes and other WREC members as to how to plausibly strive to meet offset targets. MARs using natural streamflow as the source water in the Snoqualmie/Snohomish are completely unproven as to their efficacy for providing offset water or ecological benefit—not at the subject sites nor at any site, since none have been sufficiently considered. Snoqualmie Tribe is more comfortable with the MAR proposed in the WRIA 8 plan, since it proposes to use reclaimed water (and has a project sponsor), not to divert streamflow directly for MAR, which is a critical difference.

As to project sponsors—only a small subset of projects in either plan have identified sponsors, and these sponsors must compete with others (and themselves) across the state for funding to implement projects. Projects in King and Snohomish Counties are more expensive than anywhere else in the state, as well. All of this adds more than considerable uncertainty to the plan, which is why monitoring and adaptive management were originally included by the Committees. As is, the WRE Plans include zero assessment and zero accountability. Without them, Snoqualmie Tribe is not optimistic that the basins will meet



their offset requirements. Rather, we anticipate that streamflows will continue to diminish in part because of the impacts of PEWs, and watershed conditions will continue to degrade.

We respectfully request that RCO look to the draft plans that the WRIAs 7 and 8 WRE Committees produced. Look for the innovative sections about code changes, collaboration across agencies and groups to fill in water resource planning gaps (like including WA Department of Health), where we encouraged thoughtful solutions to obvious problems with Washington State's failed water management policies. For example, the Committee included specific, well-thought out recommendations to fund and implement science-based adaptive management monitoring programs for water offset and habitat projects in the WRE program. The Committee recommended an increase in available funding for projects and policy implementation. We recognized the need for and encouraged statewide policies that protect streamflow throughout the state, by upgrading the tracking database for permit-exempt wells, encouraging connections to public water sources, initiating permit-exempt well metering, delivering water conservation education in non-urban areas, and implementing mandatory water conservation measure for permit-exempt well users during statewide drought events. If additional enforcement capacity is determined to be needed to effectively implement those actions, we also recommended funding staff pertinent to those programs. Additionally, we urged the inclusion of salmon recovery experts in the Streamflow Restoration Competitive Grant review process. We stand by all these recommendations today as critical to Plan success.

Please look to the above listed areas of the Draft Plans prepared by the Committees to help give the WREPs a chance of success between now and 2038, and please give more scrutiny to the offset projections of the offset projects in the plans, especially MAR projects in the glacially created watersheds that are pervasive across Western Washington. Streamflow-sourced MAR projects in these systems have not been widely accepted as a universally beneficial approach and requires a great deal more investigation before being included so specifically in such an important water resource management plan.

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in black ink, appearing to read 'Matthew J Baerwalde', with a long horizontal line extending to the right.

Matthew J Baerwalde  
Environmental Policy Analyst  
Environmental and Natural Resources Department  
Snoqualmie Tribe





# SQUAXIN ISLAND TRIBE

October 9, 2023

Megan Duffy  
Director, Washington State Recreation and Conservation Office  
PO Box 40917  
Olympia, WA 98504-0917

*Sent via electronic mail to [rco-director@rco.wa.gov](mailto:rco-director@rco.wa.gov)*

RE: Watershed Restoration and Enhancement Plan Review Report

Dear Director Duffy:

Thank you for the opportunity to review and provide comments on the Watershed Restoration and Enhancement Plan Review Report.

The Squaxin Island Tribe (“Squaxin” or the “Tribe”) is a federally recognized Indian tribe located in Southern Puget Sound in Mason County, Washington with treaty rights to harvest fish and shellfish, “at their usual and accustomed fishing places in the shallow bays, estuaries, inlets and open Sound of Southern Puget Sound and in the freshwater streams and creeks draining into those inlets.”<sup>1</sup> The Tribe’s cultural and economic well-being depend upon sufficient water to support abundant and sustainable fisheries. Watershed planning is of the utmost importance to the Squaxin Island Tribe, as the goal of restoring and protecting ever-diminishing instream flows and salmon populations is critical to maintaining the Tribe’s traditional lifeways and the exercise of its federal treaty rights.

The Tribe has been a full participant in the watershed planning processes for WRIAs 12, 13, 14, and 15. During these processes, the Tribe submitted many documents into the agency record that support the need for effective watershed plans and WRIA rules. These documents, many of which are provided as attachments to this letter, should be taken into consideration during any decision-making related to developing a watershed Plan and/or rulemaking. At issue in these comments to

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<sup>1</sup> See generally *United States v. Washington*, 384 F.Supp. 312, 378 (W.D. Wash. 1974); *United States v. Washington*, 459 F.Supp. 1020 (W.D. Wash. 1978).

the Washington State Recreation and Conservation Office (“RCO”) are watershed plans for WRIAs 13, 14, and 15, which were not approved locally and thus could not be adopted.

### **WRIA 13 Watershed Plan**

Squaxin, along with ten other committee members, approved this Watershed Plan. The Tribe urges RCO and the Salmon Recovery Funding Board (the “Board”) to recommend that the Washington State Department of Ecology (“Ecology”) adopt the WRIA 13 Plan after correcting the following weaknesses that were noted in the Tribe’s April 16, 2021 approval letter:

- The poor geographical distribution of projects. The Plan provides insufficient projects to restore stream flows in locations where impacts are likely to occur and harm salmon streams.
- A focus on the “moderate” permit-exempt well growth estimate and a weaker commitment to offset the higher estimate. Permit-exempt well growth may be faster than expected, and we can expect a hotter, dryer future with climate change. Providing offset projects to meet the moderate estimate may be insufficient to prevent future impacts to stream flows and protect Tribal rights.
- Committee members’ commitments to plan implementation could be stronger. In particular, Ecology was unwilling to make firm commitments to Plan implementation, including establishing clear consequences if implementation fails to develop sufficient projects to offset higher permit-exempt well growth estimates across the WRIA.
- Of particular importance to the Tribe is Policy and Regulatory Recommendation item 7, “Instream Flow Rules,” located in the Plan’s Appendix F, Section 6.1. Item 7’s stated purpose is “Greater protection of aquatic resources, streamflows, Tribal Treaty water rights, and senior water rights from future water demands.” Revisions to the WRIA 13 Instream Flow Rule (WAC 173-513) should be made after an investigation into the health of WRIA 13 salmon streams. Per Item 7, these revisions should make the rule effective, legally consistent, and enforceable.

While a number of the Science Panel’s (the “Panel”) comments demonstrate some insight into the deficiencies identified in the plan, the subsequent conclusions reached are not consistent with the comments and recommendations.

Science Panel Technical Summary and Review Comments with Squaxin Response:

- *The benefits of MAR facilities are overestimated.*

- Squaxin Response: The Panel challenges the evaluation of MAR's contributions to offsets yet offers no guidance as to how these projects should be evaluated. This shortcoming goes directly to the issue of whether offset projects are adequate in the Plan. If these benefits are overestimated it is unclear how a conclusion can be reached that offsets are adequate. They have provided no empirical evidence to support this claim.
- *The plan fails to identify stream degradation as a root cause of reduced summer base flows. Streamflow is important for riparian vegetation and wetlands, yet the plan relies on further alterations of natural stream hydrology instead of seeking solutions that reverse those alterations to offset well withdrawals.*
  - Squaxin Response: This is a critically important point for evaluating the ongoing impacts on stream systems and we appreciate the Panel raising it. We encourage a more specific directive to reevaluate this concern in the context of revising a deficient plan.
- *The WRIA 13 Watershed Plan should contain more details about how stormwater could be considered a source of water for MAR projects.*
  - Squaxin Response: Again, this points to a lack of any empirical analysis of the extent to which stormwater may be an appropriate source of offsets to impacts. In a naturally functioning stream system, a significant portion of stormwater already recharges local aquifers. Stormwater is not a new source of external mitigation. It is not an independent variable. In a developed watershed there is a short circuiting of the hydrological system which diverts precipitation into unnatural peak flow conditions within streams. This needs to be ameliorated for watershed restoration, not credited as an offset for further development.
- *A number of projects are uncertain and should not be included. Other projects have overestimated benefits.*
  - Squaxin Response: The Plan is rife with uncertainty for project implementation, even among the projects that may be considered appropriate. Again, we request some empirical evaluation of whether projects that are uncertain and/or unlikely can still contribute to a conclusion of sufficient offsets.
- *There is a deficit in five subbasins and a surplus in four subbasins. It may not be possible to identify additional projects to create a balance across subbasins.*
  - Squaxin Response: In these watersheds many of the smaller stream systems are independent drainages that support their own diversity of biological resources.

Accordingly, it is not acceptable to concentrate offsets in some basins while ignoring others. This problem must be addressed in any Plan revision.

- *Habitat projects that benefit marine or estuarine habitat should not be considered contributing to net ecological benefit.*
  - Squaxin Response: In addition to other deficiencies identified in this review, like projects lacking sponsors and overestimation of benefits, it is unclear how the authors can conclude that net ecological benefit can be achieved based merely on the supposition that the proposed benefits are larger than the required offset. Such an analysis requires some empirical reasoning, not guesswork.
- *Projects without sponsors should not be included.*
  - Squaxin Response: Agree that projects without sponsors should not be used in calculations for offsets or net ecological benefit. Perhaps they could be listed as potential project ideas so they are not lost to future consideration.

#### **WRIA 14 Watershed Plan**

Squaxin disapproved the WRIA 14 Watershed Plan. The principal issues affecting the Tribe's decision to disapprove are:

- The Plan focuses on the “moderate” permit-exempt well growth estimate and includes a weak commitment to offset the higher estimate. Permit-exempt well growth, however, may be faster than expected, and we can expect a hotter, dryer future with climate change. Providing offset projects to meet the moderate estimate will likely be insufficient to prevent future impacts to stream flows. Therefore, the Tribe needs a plan that firmly commits to the higher estimate in order to ensure that stream flows are restored and Tribal rights are protected.
- The plan provides insufficient projects to restore streamflows in locations where impacts are likely to occur and harm salmon streams. The Plan acknowledges that the estimated offset benefits are poorly distributed and fall short of even the moderate targets in many subbasins.
- The Tribe proposed a variety of policy and regulatory proposals, most of which were blocked by a few Committee members. These proposals, if adopted, would have added a margin of safety by supporting activities that increase the likelihood of meeting the goal of stream flow restoration.

- Committee members, in particular Ecology and Mason County, have a weak commitment to Plan implementation. The necessary commitment includes both a process to further develop projects, and clear consequences if implementation fails.
- There is no recommendation for rule-making. Ecology's goals of offsetting development and restoring stream flows cannot be met unless it fixes outdated, defective rules.

While a number of the Panel's comments demonstrate some insight into the deficiencies identified in the plan, the subsequent conclusions reached are not consistent with the comments and recommendations.

Science Panel Technical Summary and Review Comments with Squaxin Response:

- *The benefits of MAR facilities are overestimated.*
  - Squaxin Response: The Panel challenges the evaluation of MAR's contributions to offsets yet offers no guidance as to how these projects should be evaluated. This shortcoming goes directly to the issue of whether offset projects are adequate in the Plan. If these benefits are overestimated it is unclear how a conclusion can be reached that offsets are adequate. They have provided no empirical evidence to support this claim.
- *The plan fails to identify stream degradation as a root cause of reduced summer base flows. Streamflow is important for riparian vegetation and wetlands, yet the plan relies on further alterations of natural stream hydrology instead of seeking solutions that reverse those alterations to offset well withdrawals.*
  - Squaxin Response: This is a critically important point for evaluating the ongoing impacts on stream systems and we appreciate the Panel raising it. We encourage a more specific directive to reevaluate this concern in the context of revising a deficient plan.
- *The WRIA 14 Watershed Plan should contain more details about how stormwater could be considered a source of water for MAR projects.*
  - Squaxin Response: Again, this points to a lack of any empirical analysis of the extent to which stormwater may be an appropriate source of offsets to impacts. In a naturally functioning stream system, a significant portion of stormwater already recharges local aquifers. Stormwater is not a new source of external mitigation. It is not an independent variable. In a developed watershed there is a short circuiting of the hydrological system which diverts precipitation into unnatural peak flow

conditions within streams. This needs to be ameliorated for watershed restoration, not credited as an offset for further development.

- *A number of projects are uncertain and should not be included. Other projects have overestimated benefits.*
  - Squaxin Response: The Plan is rife with uncertainty for project implementation, even among the projects that may be considered appropriate. Again, we request some empirical evaluation of whether projects that are uncertain and/or unlikely can still contribute to a conclusion of sufficient offsets.
- *There is a deficit in three subbasins and a surplus in five subbasins. It may not be possible to identify additional projects to create a balance across subbasins.*
  - Squaxin Response: In these watersheds many of the smaller stream systems are independent drainages that support their own diversity of biological resources. Accordingly, it is not acceptable to concentrate offsets in some basins while ignoring others. This problem must be addressed in any Plan revision.
- *Habitat projects that benefit marine or estuarine habitat should not be considered contributing to net ecological benefit.*
  - Squaxin Response: In addition to other deficiencies identified in this review, like projects lacking sponsors and overestimation of benefits, it is unclear how the authors can conclude that net ecological benefit can be achieved based merely on the supposition that the proposed benefits are larger than the required offset. Such an analysis requires some empirical reasoning, not guesswork.
- *Projects without sponsors should not be included.*
  - Squaxin Response: Agree that projects without sponsors should not be used in calculations for offsets or net ecological benefit. Perhaps they could be listed as potential project ideas so they are not lost to future consideration.

### **WRIA 15 Watershed Plan**

Squaxin disapproved the WRIA 15 Watershed Plan. The principal issues affecting the Tribe's decision to disapprove are:

- The Plan focuses on the “moderate” permit-exempt well growth estimate and includes a weak commitment to offset the higher estimate. Permit-exempt well growth, however, may be faster than expected, and we can expect a hotter, dryer future with climate change. Providing offset projects to meet the moderate estimate will likely be insufficient to prevent future impacts to streamflows. Therefore, the Tribe needs a plan that firmly commits to



the higher estimate to ensure that stream flows are restored and Tribal rights to water are protected.

- The Plan provides insufficient commitment to offset permit-exempt well growth by subbasin. The subbasins in the South Sound (as compared to the Hood Canal and Mid-Sound drainages) closely align with a portion of the Tribe's usual and accustomed fishing areas. Offset projects outside of South Sound will do little or nothing to protect the Tribe's Treaty rights to stream flow.
- The Plan provides few projects in the South Sound, and the projects listed are highly uncertain to occur. The Plan acknowledges that the estimated offset benefits fall short of even the moderate targets. Overall, the lack of projects, the vagueness of the proposals, and the lack of commitment by potential project sponsors (in particular, the counties) are major plan weaknesses.
- The Tribe proposed a variety of policy and regulatory proposals, most of which were blocked by a few Committee members. These proposals, if adopted, would have provided a margin of safety by supporting activities that increase the likelihood of meeting the goal of stream flow restoration.
- Committee members, in particular Ecology and the counties, have a weak commitment to plan implementation. This includes both a process to further develop projects, and clear consequences if implementation fails - including development and implementation of sufficient projects to offset higher permit-exempt well growth estimates in every subbasin.

While a number of the Panel's comments demonstrate some insight into the deficiencies identified in the plan, the subsequent conclusions reached are not consistent with the comments and recommendations.

Science Panel Technical Summary and Review Comments with Squaxin Response:

- *Primary limiting factors in the plan are channel and streambed degradation, increased peak flows, loss of upland forest cover, loss of riparian forest, and loss of floodplain connectivity habitats. These are all factors that speak to past land-use practices that reduce streambed and water table elevations, coinciding with increases in stormwater and associated water quality and quantity impacts. However, this issue is not appropriately identified in the plan and many of the proposed solutions rely on further manipulation of natural systems instead of restoration of natural processes.*

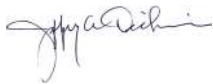
- Squaxin Response: This deficiency should be addressed in the recommended Ecology revisions to the plan.
- *The plan fails to identify stream degradation as a root cause of reduced base flows and fails to sufficiently promote projects that specifically raise streambed and water table elevations.*
  - Squaxin Response: This is a critically important point for evaluating the ongoing impacts on stream systems and we appreciate the Panel raising it. We encourage a more specific directive to reevaluate this concern in the context of revising a deficient plan.
- *Stream augmentation from pumping groundwater twists a root cause problem into a solution.*
  - Squaxin Response: This type of project should not be allowed as an offset for further development. It constitutes further mining of groundwater.
- *The forestry offset should be revisited because there is uncertainty about the age of stands and the benefits of a protection project are theoretical.*
  - Squaxin Response: The forestry offset should not be used in calculations for offsets or net ecological gain because there is uncertainty about the age of stands and the benefits of a protection project are theoretical.
- *A number of projects are uncertain and should not be included. Other projects have overestimated benefits.*
  - Squaxin Response: The plan is rife with uncertainty for project implementation, even among the projects that may be considered appropriate. Again, we request some empirical evaluation of whether projects that are uncertain and/or unlikely can still contribute to a conclusion of sufficient offsets.
- *Habitat projects that benefit marine or estuarine habitat should not be considered contributing to net ecological benefit.*
  - Squaxin Response: In addition to other deficiencies identified in this review, like projects lacking sponsors and overestimation of benefits, it is unclear how the authors can conclude that net ecological benefit can be achieved based merely on the supposition that the proposed benefits are larger than the required offset. Such an analysis requires some empirical reasoning, not guesswork.

Healthy streamflows and fisheries are a matter of existential importance to the Squaxin Island Tribe. Thus, the Tribe urges the Recreation and Conservation Office and the Salmon Recovery

Funding Board to adopt the changes requested in this letter and endeavor to approve watershed plans that truly protect and restore the imperiled salmonid fisheries.

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Dickison".

Jeff Dickison  
Assistant Director of Natural Resources  
Squaxin Island Tribe

Enclosures

2021-08-12 Ltr Ecology & SRFB – WRIA 13  
2021-04-16 Squaxin ltr. disapproving WRIA 14  
2021-04-16 Squaxin ltr re WRIA 15



## SQUAXIN ISLAND TRIBE

August 12, 2021

Mary Verner, Program Manager  
Water Resources Program  
Washington Department of Ecology  
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Jeff Breckel, Chair  
Salmon Recovery Funding Board  
salmon@rco.wa.gov  
Salmon Recovery Board Liaison  
wyatt.lundquist@rco.wa.gov

Re: WRIA 13 Watershed Restoration & Enhancement Plan

Dear Mary and Jeff:

As you know, all members of the WRIA 13 committee, including the Squaxin Island Tribe (“Tribe”), voted to approve the WRIA 13 Final Draft Watershed Restoration and Enhancement Plan (Jan. 28, 2021) (“Plan”). The lone disapproving member was the Building Industry Association of Washington (“BIAW”). Since the Plan was not unanimously approved, the Streamflow Restoration Act, RCW Ch. 90.94 (“Act”), requires Board involvement before Ecology adopts a final plan. RCW 90.94.030(h).

While imperfect, the Final Draft Plan approaches the letter and spirit of the Act because its elements will likely lead to streamflow restoration and enhancement. For reasons described below, this letter urges that: (1) Ecology submit the Plan to the Salmon Recovery Funding Board (“Board”) either intact or with provisions that improve upon efforts to restore and enhance streamflows; (2) the Board, after conducting a technical review, recommend that Ecology adopt the Plan in either its current state or, with additional recommendations that increase the plan’s effectiveness; (3) Ecology adopt the Board-recommended plan and limit any amendments to those that strengthen the Plan’s effectiveness; and (4) Ecology initiate rule-making as currently recommended by the Plan.

This is the correct path to a watershed plan that actually protects, restores and enhances fish-bearing waters in WRIA 13. State and federal laws, including the Treaty of Medicine Creek, require no less. Ecology and the Board should also understand the consequences if Ecology ultimately adopts a plan that fails to comply with the Act and engages in rule-making with an overly narrow scope. Local government(s) cannot legally approve streamflow-impactful buildings and subdivisions pending compliance with the Act and other water laws. Until compliance is achieved, applicants would have to provide evidence of legal and physical water availability.

## **Interagency Memorandum of Understanding**

Squaxin understands that Ecology and the Recreation & Conservation Office (“RCO”) will be entering into an MOU that will guide the process. Squaxin respectfully requests a consultation during the drafting of the MOU and an opportunity to review drafts. We believe that MOU provisions will likely have some bearing on the process and outcome of a final plan and rule-making, and would greatly appreciate a chance to share comments. Squaxin also requests notice of the final MOU.

### **Background**

Streams in WRIA 13 fall short of instream flows established by rule (WAC Ch. 173-514) and the rule’s stream closures are ignored. The WRIA 13 instream rule is nearly 40 years old, is woefully outdated and ineffective, and contains numerous provisions that conflict with state water statutes.

Accordingly, the Tribe during the Plan development process submitted many documents into the agency record that support the need for an effective WRIA 13 plan and rule-making with a broad scope<sup>1</sup>. We urge Ecology and the Board to carefully consider these documents during the remaining steps of the process. We have attached two letters that in particular provide a helpful overview of the Tribe’s position. The Tribe’s December 7, 2020 letter to Ecology comments on four watershed plans (including the WRIA 13 plan) that overlap with Squaxin usual and accustomed fishing area (“U&A”). (Attachment 1) The Tribe described the impaired status of the WRIA 12-15 watersheds, the legal framework governing the plans, Ecology’s mandate to amend the outdated and ineffective WRIA rules, and criteria for successful plans. Also attached is an April 16, 2021, letter in which the Tribe approved the WRIA 13 Plan and described the positive aspects of the Plan as well as its shortcomings. (Attachment 2).

As mentioned, all WRIA 13 committee members, including Ecology, approved the Plan except for the BIAW.

### **The WRIA 13 Plan’s Rule-Making Recommendation**

Item 7 under the Plan’s “Policy and Regulatory Recommendations” is entitled “Instream Flow Rules.” It recommends the following, with the stated purpose of “Greater protection of aquatic resources, streamflows, Tribal Treaty water rights, and senior water rights from future water demands”:

- Investigate the WRIA 13 salmon streams and determine needed revisions to the WRIA 13 Instream Flow (ISF) Rule (WAC 173-513). Streams under review for instream flow revisions will be clearly represented to the public through maps in an accessible manner. Consider need to close streams in WRIA 13 with summer salmonid habitat (which could include: Upper Deschutes River, Middle Deschutes River, Lower Deschutes River, McLane Creek, Green Cove, Woodland Creek, Woodard Creek, Percival Creek, Adams Creek, and other associated tributaries and small coastal streams with salmonid habitat) annually in the low flow season (typically from June through October) and what effect it would have on growth in the watershed. This would apply to water rights that have a priority date after any changes made to the instream flow rule.

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<sup>1</sup>Ecology has indicated that it will maintain these documents intact. We urge the Board to consult these documents during its process. Squaxin is available to answer any questions that the Board may have.

- Review other salmon streams without existing ISF between November and May and consider setting ISF levels using current methodology.
- Use the latest ISF assessment methodology to reassess ISF values for the Deschutes River below Deschutes Falls.
- Revise and add any other conditions consistent with the final watershed plan to the ISF rule.
- Ecology to initiate rulemaking to update the 40-year old WRIA 13 rule to reflect changed conditions and new information, and make the rule effective, legally consistent, and enforceable.

Plan at pp. 66-67. Rule-making of this nature is a particularly important part of the process for reasons described in the attached letters. We seek rule-making with a broader scope and that Ecology consult with Squaxin well in advance of initiating formal rule-making.

### **Process required by the Streamflow Restoration Act**

The Act sets out five next steps in the watershed plan process:

If the watershed restoration and enhancement committee fails to approve a plan by June 30, 2021, [Ecology] shall submit the final draft plan to the [Board] and request that the [Board] provide a technical review and provide recommendations to [Ecology] to amend the final draft plan, if necessary, so that actions identified in the plan, after accounting for new projected uses of water over the subsequent twenty years, will result in a net ecological benefit to instream resources within the water resource inventory area. [Ecology] shall consider the recommendations and may amend the plan without committee approval prior to adoption. After plan adoption, [Ecology] shall initiate rule making within six months to incorporate recommendations into rules adopted under this chapter or under chapter 90.22 or 90.54 RCW, and shall adopt amended rules within two years of initiation of rule making. RCW 90.94.030(3)(h)

To summarize, Ecology first “submit[s] the final draft plan” to the Board. In so doing, the Tribe urges Ecology not to weaken any part of the Final Draft Plan. Any changes to the Plan should be to ensure that streamflow restoration and enhancement actually occur. Next, the Board conducts (1) a technical review of the Final Draft Plan and (2) prepares recommendations for amendments “if necessary, so that actions identified in the plan, after accounting for new projected uses of water over the subsequent twenty years, will result in a net ecological benefit [“NEB”] to instream resources within the water resource inventory area.” Importantly, the Legislature did not limit this provision to require offsetting 20 years of only domestic permit-exempt wells; rather, the statute’s plain language requires offsetting 20 years of all projected water uses. *Compare* RCW 90.94.030(3)(h) with .030(1) (“new domestic groundwater withdrawals exempt from permitting”).

Third, Ecology “shall” consider the Board’s recommendations and may amend the final draft plan without Committee approval prior to adoption. At minimum, Ecology cannot amend a plan in a manner that fails to meet the Act’s requirement – i.e., that the plan, after accounting for all new projected uses of water over the subsequent twenty years, will result in a net ecological benefit to instream resources. *See id.* Fourth, Ecology adopts the plan. Finally, Ecology “shall” initiate rule-making within six months “to incorporate recommendations into rules adopted under this chapter or under chapter 90.22 or 90.54 RCW.”

## The Board's Mission and Authority

The Tribe respectfully urges that Board, after completing its technical review, recommend that Ecology adopt the WRIA 13 Plan either in its current form or, better yet, after correcting weaknesses as noted in the Tribe's April 16 approval letter. This action will be consistent with the Board's governing mission, authority, the Act and the 1971 Water Resources Act.

The Board's mission is to protect and restore imperiled salmonid fisheries. The Legislature when establishing the Board found that "repeated attempts to improve salmonid fish runs throughout the state of Washington have failed to avert [ESA] listings of salmon and steelhead runs". RCW 77.85.005. It further recognized:

These listings threaten the sport, commercial, and tribal fishing industries as well as the economic well-being and vitality of vast areas of the state. It is the intent of the legislature to begin activities required for the recovery of salmon stocks as soon as possible, . . .

*Id.* The Legislature also found that "A strong watershed-based locally implemented plan is essential for local, regional, and statewide salmon recovery", and that "credible scientific review and oversight is essential for any salmon recovery effort to be successful." *Id.*

When reviewing the WRIA 13 Plan, the Tribe urges the Board to apply the same "outcome-focused performance measures" that the Board applies towards grant applications. *See* RCW 77.85.110(3)(j), .135. The Board's goal should be a "strong" watershed plan that will be implemented to protect, restore and enhance salmonid fisheries. *See* RCW 77.85.005. The Board should also consider the 1971 Water Resources Act's mandate that "[a]ll agencies of state and local government, including counties" carry out their vested powers "in manners which are consistent with" the 1971 Act. RCW 90.54.090. Among other things, the Act includes in its declaration of "fundamentals" that "[p]erennial rivers and streams of the state shall be retained with base flows necessary to provide for preservation of wildlife, fish, scenic, aesthetic and other environmental values, and navigational values." RCW 90.54.020(3)(a).

Thank you for your consideration. Please don't hesitate to contact us if you have any questions.

Sincerely,

*s/ Jeff Dickison*

Jeff Dickison, Assistant Director  
Squaxin Island Natural Resources Department

Enclosures

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**SENT BY ELECTRONIC MAIL**

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**Re: Squaxin Island Tribe's comments on draft WRIA 12-14 Streamflow Restoration Plans**

Dear Mary:

The comments in this letter apply to four draft watershed plans in WRIAs 12-15 being developed as part of the process created by ESSB 6091 and the Streamflow Restoration Act (the "Act", codified as RCW 90.94). (These plans are sometimes referred to as "Streamflow Restoration" or "Watershed Restoration and Enhancement" Plans.) These comments address the Squaxin Island Tribe's ("Tribe" or "Squaxin") expectations for the plans in context of the appropriate legal framework. The Tribe has invested, and will continue to invest, significant effort in the ESSB 6091 watershed planning process. WRIAs 12-15, which are covered by Section 203 of the Streamflow Restoration Act ("Act"), overlap with most of the Tribe's usual and accustomed fishing areas ("U&As") in South Puget Sound. Accordingly, the Tribe is focusing its efforts on developing plans that actually protect, restore and enhance fish-bearing waters. This is what the Act mandates.

We are quite concerned, however, that the four emerging draft plans fall far short of the mandates of the Act and other state laws, and violate the Tribe's federally-reserved water rights. The plain language of the Act requires more than noncommittal statements about offsetting twenty years of domestic permit-exempt wells. These plans must actually restore and enhance streamflows. In some basins, creeks are currently dewatered by existing permit-exempt wells, especially during low flow times (summer, fall) that are critical for fish spawning and rearing. In other places, water systems growing into inchoate state water rights will dewater fish-bearing streams. These harms are compounded by the predicted water scarcity that accompanies climate change in Western Washington. These plans, if properly devised, can help avoid delaying important water management decisions, avoid curtailments, and bring longer certainty to South Puget Sound.

This letter provides comments that apply to all four plans, covering the legal issues and our expectations for the Plans:

- Section A: Status of WRIA 12-15 Watersheds



- Section B: Correct Legal Framework for Plans
- Section C: Ecology’s mandate to amend the rules for WRIAs 12-15.
- Section D: Criteria for Successful Plans

We want to be clear that the Tribe has engaged in the planning process in the spirit of cooperation and compromise. Our positions in the Committee meetings were motivated by that spirit, but do not necessarily reflect our legal views in the event that we are in future litigation.

For example, in meetings our representative Paul Pickett has made comments or declined to place blocks on plan actions and projects that contain non-binding, discretionary language (like “should” and “could”). Even when we accept non-binding plan language as part of a collaborative process, we still expect binding commitments from Committee members and from Ecology, including commitments enshrined in rule amendments. Interim decisions or agreements where we “stand aside” or agree to one element of the plan, out of a willingness to compromise and keep the process moving, do not necessarily mean approval of the plan as a whole, or even approval of the item we agreed to.

We reserve our rights to address the legal shortcomings of the planning process, despite Squaxin plan comments that allow the inclusion of plan elements that we believe do not meet the language and intent of the Act. Should we find the plan otherwise acceptable to approve, we expect to articulate this view in a signing statement to be included in the plan.

#### **A. Status of WRIA 12-15 Watersheds**

Most precipitation in these WRIAs arrives during the winter months when water demands are the lowest. During the summer there is little rain, and naturally low stream flows are dependent on groundwater inflow. This means that groundwater and surface water are least available when water demands are the highest. This is especially true in hot, dry years, and increasingly true with climate trends.

Much of the water supply in these watersheds is now compromised or controlled by the owners of claims, permits, rights, and permit-exempt wells. Increased demands from population growth, low summer and early fall streamflow levels, and impacts from climate change add to the challenge of finding new water supplies in these WRIAs. There is limited water available for new uses in parts of these WRIAs, especially given that river levels need to be maintained to ensure adequate water quality and fish migration. This reality is explicitly acknowledged by RCW 90.45.005(2)(a) (“The legislature finds that: . . . The state of Washington is faced with a shortage of water with which to meet existing and future needs, particularly during the summer and fall months and in dry years when the demand is greatest; . . .”).

In the 1980’s, Ecology adopted instream flow rules for many streams in these four WRIAs. These rules close, partially close, or set instream flow levels in numerous streams. For

those streams with gages, records indicate the streams are frequently not meeting instream flows during the late summer and early fall periods that are critical for salmon. *See, e.g., Ecology, Focus on Water Availability for WRIs 13, 14.*

For years, Ecology has shirked its duty in these WRIs to ensure that senior water rights, including instream flows, closures, and the Tribe’s rights, are protected by enforcement of the laws and rules. Ecology in recent years has taken the incorrect position that these WRIA rules do not limit the use of permit-exempt wells, inviting a free-for-all that contravenes the governing statutes.

## **B. Correct Legal Framework for Plans**

### **1. The draft plans exclude elements mandated by the Act, and/or make it impossible for Ecology to adopt without violating the Act.**

Ecology’s position is that it can adopt plans that only offset 20 years of “new” domestic permit-exempt wells and achieve net ecological benefit (“NEB”). This interpretation is incorrect. It ignores mandatory language in RCW 90.94.030. First, the statute, both implicitly and explicitly, mandates that offsets must at minimum include both permit-exempt domestic uses dating back to the date of WRIA rule adoption and new domestic permit-exempt wells. RCW 90.94.030(3)(b). Second, the law mandates that Ecology, before adopting the plan, “must” determine that actions identified in the plan, after accounting for all new projected uses of water over the subsequent twenty years – i.e., not just new, domestic permit-exempt wells – will result in a net ecological benefit (“NEB”) to instream resources within the WRIA. RCW 90.94.030(c). Third, the plan “must” include an evaluation or estimation of the cost of offsetting all new domestic water uses over 20 years, not just new, domestic permit-exempt wells. RCW 90.94.030(d). Finally, the plan “must” estimate 20 years of all cumulative consumptive water use impacts – not just new domestic permit-exempt withdrawals. RCW 90.94.030(e).

### **2. Guaranteed plan implementation is mandatory, not optional.**

As envisioned by the Act, Ecology-adopted watershed plans (with or without unanimous committee votes) can meet the Act’s mandates by:

- (1) ensuring the offsetting of (a) existing domestic permit-exempt wells that are junior to instream flow rules, and (b) future domestic permit-exempt wells through 2038 (RCW 90.94.030(3)(b));
- (2) beginning to restore flows where instream flows are unmet;
- (3) assuring implementation; and
- (4) being enforceable.

See RCW 90.04.030(3)(b). That outcome, however, appears highly unlikely given the current nature of the draft plans.

ESSB 6091 allows streamflow impacts from new domestic permit-exempt wells – impacts that are highly likely to occur – provided adequate offsets are realized and NEB is achieved. ESSB 6091 accomplished this through the Act itself, as well as amending the Building and Subdivision codes and the Growth Management Act (“GMA”)<sup>1</sup>. The Act authorizes new domestic permit-exempt wells to impair instream flows and impact closures “through compliance with the requirements [of RCW 90.94.030], unless instream flow rules specify otherwise. RCW 90.94.030(1). Among other things, RCW 90.94.030 requires plans that offset impacts and achieve NEB.

Ecology’s position effectively means that impacts can occur even if the projects and actions intended to offset permit-exempt wells and achieve NEB are not implemented. Ecology’s guidance states that the Act “does not predicate the issuance of building permits on the implementation of watershed plans or any projects and actions in those plans.” Ecology, *Streamflow Restoration Policy and Interpretive Statement*, POL-2094 at p. 10 (July 31, 2019) (Ecology POL-2094). We expect local governments to take the position that they can approve streamflow-impactful buildings and subdivisions because these approvals are consistent with the watershed plans, permit-exempt well law, and/or instream flow rules, even if implementation is not at all certain to occur or never occurs.

Compliance with RCW 90.94.030, however, requires implementation of offsets and NEB that is comprehensive, timely, and effective. Nowhere does the Act absolve Ecology or any other entity of the duty to ensure implementation of the projects and actions. Rather, it is clear that the Legislature directed Ecology to implement a program that restores and enhances streamflows. For all plans, regardless of whether the committees unanimously adopt them, Ecology must make a specific determination that requires guaranteed implementation. RCW 90.94.030(3)(c), ( ). Ecology can therefore not legally adopt a plan that fails to ensure that the impacts from new domestic permit-exempt wells and domestic permit-exempt wells constructed after the date of the ISF rule will be offset and that NEB will occur. There is no indication that the Legislature intended to sanction streamflow-impacting development while allowing Ecology to adopt plans that may never be implemented and thus fail to actually offset the impacts and achieve NEB.

Moreover, ESSB 6091 did not amend a host of water laws that recognize instream flows as water rights and prohibit junior withdrawals from impairing instream flows. Those laws, combined with recent Washington Supreme Court decisions that confirm instream flows as senior rights and prohibit impairment by junior uses, provide an important backdrop for analyzing the Act. See *Swinomish Indian Tribal Community v. Department of Ecology*, 178

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<sup>1</sup> ESSB 6091 amended RCW 19.27.097, 58.17.110, 90.03.247, and 90.03.290; added a new section to chapter 36.70A RCW; added a new section to chapter 36.70 RCW; and created the new chapter 90.94 RCW.

Wash.2d 571, 311 P.3d 6 (2013); *Foster v. Washington State Dept. of Ecology*, 184 Wash.2d 465, 362 P.3d 959 (2015).

Ecology has proposed that watershed plans should contain “reasonable assurances” as to implementation. See Ecology, *Final Guidance for Determining Net Ecology Benefit*, GUID 2094 at p. 6 (July 31, 2019). It is unclear where this term came from and exactly what it means. It is clear, however, that reasonable assurance does not equate to certain implementation given Ecology’s repeated statements elsewhere that no one has a duty to implement. Accordingly, the plans’ predicted success must actually occur. In addition, the criteria for making this determination should include the incorporation of a monitoring plan to gauge effectiveness and a corrective action strategy if the benefits fail to accrue.

Finally, SEPA requires that Ecology interpret its laws in accordance with SEPA’s environmentally-protective policies and requires a heightened level of certainty for implementation. See, e.g., RCW 43.21C.030 (mitigation measures must be “reasonable and capable of being accomplished”). Since it appears that the watershed plans will result in significant impacts, Ecology will have to prepare EIS’s and mitigate the impacts. See, generally, RCW Ch. 43.21C.060.

**3. The Plans, if adopted without the mandatory offsets, NEB and implementation, will interfere with the Tribe’s federally reserved water rights.**

Tribes’ federally-reserved water rights have been litigated and found to exist under the longstanding *Winans* and *Winters* doctrines. See, e.g., *Aquavella II*, 121 Wash.2d 257, 850 P.2d 1306 (Wash. 1993). *Winans* rights are based on the doctrine that the treaties were “not a grant of rights to the Indians, but a grant of rights from them – a reservation of those [rights] not granted.” *United States v. Winans*, 198 U.S. 371, 381 (1905). *Winans* rights preserve pre-existing uses, and impress a servitude that runs against the state of Washington. The priority date for these rights is “time immemorial.” A water right for fishing “consists of the right to prevent other appropriators from depleting the streams waters below a protected level in any area where the non-consumptive rights applies.” *United States v. Adair*, 723 F.2d 1394, 1411 (9th Cir. 1983).

*Winters* rights are federally created and arise when the federal government reserves land for a particular purpose. *Winters v. United States*, 143 F. 740, 742 (9th Cir. 1906); *Arizona v. California*, 373 U.S. 546 (1963). Creation of an Indian reservation carries an implied right to unappropriated water to the extent needed to accomplish the purposes of the reservation. The priority date is when the reservation was established.

Both types of rights exist and predate all rights created by state law. These rights include the right to prevent appropriators from using water so as to deplete water sources below levels that damage the habitat of fish that the Tribes have a right to take. Finally, the rights cannot be given away or diminished by state law.

There is no question that Squaxin has reserved water rights to instream flows. The historical record and case law confirm that the Squaxin people have been a fishing people since time immemorial; and that the purposes of the Squaxin Island Reservation were: (1) to create a sustainable, permanent homeland for the Squaxin people; and (2) to ensure the Squaxin people's access to and harvest of healthy fish populations to continue their fishing way of life.

This is consistent with the Ninth Circuit's ruling in the culverts case:

"Thus, even if Governor Stevens had made no explicit promise, we would infer, as in *Winters* and *Adair*, a promise to "support the purpose" of the Treaties. That is, even in the absence of an explicit promise, we would infer a promise that the number of fish would always be sufficient to provide a "moderate living" to the Tribes. *Fishing Vessel*, 443 U.S. at 686, 99 S.Ct. 3055. Just as the land on the Belknap Reservation would have been worthless without water to irrigate the arid land, and just as the right to hunt and fish on the Klamath Marsh would have been worthless without water to provide habitat for game and fish, the Tribes' right of access to their usual and accustomed fishing places would be worthless without harvestable fish."

*9th Cir. Culverts decision*, 853 F.3d 946, 965 (9<sup>th</sup> Cir. 2017); *see also id.* at 964 ("[The Stevens Treaties'] principal purpose was to secure a means of supporting themselves once the Treaties took effect"; "[The Indians] reasonably understood that they would have, in Stevens' words, "food and drink ... forever.").

When these rights are adjudicated, it is highly likely that the quantities of reserved rights will exceed many of the instream flows established in Ecology's rules. Accordingly, it defies common sense and the law to adopt watershed plans that sanction streamflow diminishment by permit-exempt wells or unsupported or non-guaranteed projects, when the Tribe (and public) have a legal right to those waters.

Finally, nothing in RCW Ch. 90.94 allows Ecology to violate federal law or exclude it from consideration when adopting these plans. Nor could it. *See, e.g.*, RCW 90.82.120(1) ("Plan parameters. (1) Watershed planning developed and approved under this chapter shall not contain provisions that: (a) Are in conflict with . . . federal laws, or tribal treaty rights . . .").

#### **4. Successful South Sound plans and outcomes require significant Ecology engagement.**

Successful WRIA 12-15 plans require Ecology to significantly engage in water management in the South Sound. The Tribe has proposed for the WRIA plans the appointment of a "water steward" with water master and groundwater supervisor responsibilities. This position could:

- (1) Help track plan activities vis-à-vis the salmon recovery database, measure plan outcomes, and determine if plan goals are being achieved;
- (2) support technical analyses of watershed conditions, including monitoring flows;
- (3) help to resolve disputes;

- (4) enforce use limits and senior rights;
- (5) take steps to avoid impairment of senior instream flow rights by junior users;
- (6) provide education/outreach;
- (7) participate and supporting committee meetings; and
- (8) coordinate drought responses.

See RCW 90.03.060(1); RCW 90.44.200. An additional reason to appoint a South Sound Water Steward is to improve Ecology's implementation and enforcement of the WRIA 12-15 rules. Ecology should actively seek resources and assign staff to serve in this position or its equivalent. This could include reassignment of existing resources and advocacy in the legislature for additional funding.

## **5. Potential consequences if plans fail to ensure offsets and NEB**

If Ecology adopts a plan that fails to comply with RCW 90.94.030 (e.g., the plan lacks ensured implementation of offsets and NEB), and either refuses to rule-make or rule-makes with an overly narrow scope, then Ecology should understand the potential consequences. Local government(s) would be prohibited from approving streamflow-impactful buildings and subdivisions pending compliance. Until compliance is achieved, applicants would have to provide evidence of legal and physical water availability.

### **C. Ecology's mandate to amend the rules for WRIAs 12-15.**

#### **1. Why rules are defective and should be amended**

Instream flow rules for WRIAs 12-15 are outdated, contain illegal provisions that are inconsistent with the governing statutes, don't explicitly regulate permit-exempt wells, and are rarely if ever enforced by Ecology. Among other things, these rules are illegal because Ecology lacks statutory authority to, by rule, exempt domestic and stock watering uses from instream flows. Instream flows are water rights with priority dates (the date of rule adoption); and apply to all junior groundwater withdrawals (permitted and permit-exempt) and surface water diversions.

Table 1 summarizes key problems with the exemptions in WRIA 12-15 rules.

For the following reasons, Ecology has a duty to amend these defective rules. First, leaving them in place will result in more impairment of instream flows. This is because the Act allows authorizes new domestic permit-exempt wells to impair instream flows and to impact closures "through compliance with the requirements [of RCW 90.94.030], unless instream flow rules specify otherwise. RCW 90.94.030(1). It does not appear that "instream flow rules" for WRIAs 12-15 "specify otherwise" – i.e., expressly provide an alternative path for offsetting new domestic permit-exempt wells and achieving NEB. In fact, Ecology's recent position (*see Hirst*) is that permit-exempt wells are exempt from instream flows when WRIA rules don't expressly address permit-exempt wells.

**Table 1. Key problems with exemptions in the WRIA 12-15 rules**

WRIA	Does the rule expressly regulate permit-exempt wells?	Does the rule implicitly regulate permit-exempt wells?	Does rule expressly state that water is unavailable for permit-exempt wells in specific area(s)?	Does rule contain illegal exemptions for permit-exempt wells?
WRIA 12 (WAC Ch. 173-512)	No.	Yes.	No.	Yes. Exempts from closures stock watering use, except as related to feed lots. (-060(2))
WRIA 13 (WAC Ch. 173-513)	No.	Yes.	No.	Yes. Exempts from the chapter (i.e., ISFs & closures) domestic use for a single residence and stock watering, except as related to feedlots, if no alternative source is available. If the cumulative effects of numerous single domestic diversions would seriously affect the quantity of water available for instream uses, then only domestic in-house use is exempt. (-070(2))
WRIA 14 (WAC Ch. 173-514)	No.	Yes.	No.	Yes. Exempts from the chapter (i.e., ISFs & closures) single domestic and stockwatering use, except as related to feedlots. If the cumulative impacts of numerous single domestic diversions would significantly affect the quantity of water available for instream uses, then only single domestic in-house use is exempt if no alternative source is available. (-060(2))
WRIA 15 (WAC Ch. 173-515)	No.	Yes.	No.	Yes. Exempts from the chapter (i.e., ISFs & closures) domestic use for a single residence, and stockwatering use except that related to feedlots. If the cumulative effects of numerous single domestic diversions would seriously affect the quantity of water available for instream uses, then domestic in-house use is exempt if no alternative source is available. (-070(3), (4))

Accordingly, to the extent that Ecology adopts watershed plans that fail to guarantee mandatory offsets and NEB (which in itself would violate the Act), Ecology must amend the WRIA 12-15 rules to achieve these outcomes. Put another way, Ecology lacks authority to both (1) adopt plans that do not guarantee offsets and NEB, and (2) fail to amend instream flow rules.

Second, Ecology cannot allow defective instream flow rules to remain in place because the Act allows local governments to rely on WRIA rules when planning and approving development that will interfere with instream flows. Again, leaving these defective rules in place will result in impaired flows and impacted closures. That is because ESSB 6091 amended the GMA, Building and Subdivision Codes to allow local governments, for purposes of complying with the GMA's provisions relating to surface and groundwater resources, to rely on ISF rules. RCW 90.36A.590; RCW 19.27.097, RCW 58.17.110.

Third, other statutory and regulatory provisions mandate that Ecology fix the WRIA 12-15 rules. For example, the 1971 Water Resources Act mandates that Ecology is “directed to modify existing regulations and adopt new regulations, when needed and possible, to insure that existing regulatory programs are in accord with the water resource policy of this chapter and the program established in subsection (1) of this section. RCW 90.54.040(2) (emphasis added). For the above reasons, rule-making is “needed” and “possible”.

*See also* Ecology's implementing regulations in WAC 173-500-010(4) (“The [1971 Water Resources Act] further directed [E]cology to modify existing regulations and adopt new regulations to insure that existing regulatory programs are in accord with the water resource policies of the act.”); WAC 173-500-070 (“[E]cology shall initiate a review of the rules established in this chapter whenever new information, changing conditions, or statutory modifications make it necessary to consider revisions.”). (Emphases added.) *See also* Ecology's regulations governing reservations of water for future water supply; WAC 173-590-010(5) (“The [1971 Act] further directs the [E]cology to modify existing regulations and adopt new regulations to insure that existing regulatory programs are in accord with the water resource policies of the act.”) (emphasis added).

Additionally, provisions in the rules for WRIsAs 12-15 mandate that Ecology “shall initiate a review” of rules “whenever new information, changing conditions, or statutory modifications make it necessary to consider revisions.” WAC 173-512-080, WAC 173-513-100, WAC 173-514-090, WAC 173-515-100 (emphases added).

Ecology takes a constricted position as to rulemaking that is inconsistent with its statutory and regulatory mandates, including its obligations as a steward of public water



resources. RCW 90.03.010 (“Subject to existing rights all waters within the state belong to the public, and any right thereto, or to the use thereof, shall be hereafter acquired only by appropriation for a beneficial use and in the manner provided and not otherwise; and, as between appropriations, the first in time shall be the first in right.”). Ecology’s position is that it must adopt rules to incorporate plan provisions only if: (1) the adopted plan recommends a change to the fee or the water use restriction prescribed in RCW 90.94.030(\_); or (2) Ecology fails to adopt a plan by the statutory timeline. Ecology POL 2094, *Streamflow Restoration Policy and Interpretive Statement* at pp. 10-11 (July 31, 2019). Ecology’s position is to avoid rulemaking unless a plan contains recommendations that “require it” to rulemake. Even if Ecology decides to engage in rulemaking, its stated policy is to avoid addressing anything outside the scope of the Act.

**2. Areas where rule-making is needed.**

The Tribe has found, from experience in past water resources issues and the current WRIA planning process, that specific areas of the current rules need revision. Table 2 lists some of the revisions that we believe are necessary.

**Table 2. List of proposed rule changes for WRIAs 12-15**

<b>Section/topic</b>	<b>Changes needed</b>
Purpose	Update to current standards and goals
Establishment of Instream flows	Review all streams in WRIA and identify streams with salmon habitat depending on flow
Establishment of Instream flows	Conduct ISF studies for all salmon streams and either update ISF levels for streams in the rule or add ISF flows for streams lacking them.
Establishment of Instream flows	Remove exemption for ground water withdrawals that "would not interfere significantly with stream flow" in streams listed in the rule.
Establishment of Instream flows	Acknowledge seniority of Tribal water rights and update language for consultation with Tribes
Surface water source limitations to further consumptive appropriation	Close all streams with salmon habitat during the low flow season
Surface water source limitations to further consumptive appropriation	Add language to protect tributaries to closed streams
Surface water source limitations to further consumptive appropriation	Add language to expressly prohibit loss of flow during stream closures
Groundwater	Add section prohibiting impacts on ISF flows and closures from ground water withdrawals

<b>Section/topic</b>	<b>Changes needed</b>
Permit-exempt groundwater for future domestic uses.	Add a section similar to WAC 173-501 with fee requirements, including increased fees to support implementation.
Permit-exempt groundwater for future domestic uses.	Add a section similar to WAC 173-501 with water use limits and metering that apply to all PE wells.
Future surface and groundwater appropriations, including PEWs	Provide all Group A systems a "right of first refusal" for new connections. Require all new water connections within Group A service areas to hook up if connections is "timely and reasonable". Prohibit PE wells where timely and reasonable connection is available. Set a statewide standard for "timely and reasonable".
Future surface and groundwater appropriations, including PEWs	Add limitations to new surface and ground water appropriation similar to Quilcene Rule.
Future surface and groundwater appropriations, including PEWs	Establish setback requirements (depth and horizontal distance) for any new well from a stream listed in the rule
Future surface and groundwater appropriations, including PEWs	Require access to wells and meters for authorized Ecology, Dept. of Health, or county staff.
Mitigation	Set standards for mitigation
Mitigation	Mitigation for interties that affect instream flows and do not have existing mitigation.
Drought response	Counties must establish and ecology approve mandatory water conservation and drought response programs for all PE wells.
Drought response	Establish drought water use limits which go into effect during a drought declaration. Exemptions for food production, fire protection (approved by fire marshal), and approved environmental projects.
Exemptions	Remove any exemptions for single domestic wells and stock watering. Revise and update. Allow limited use of peak flows for environmental and low flow augmentation projects.
Enforcement	Ecology shall establish enforcement guidelines, which include halting building permits for development with PE wells if offset projects are insufficient to exceed PE well growth within a limited amount of time, such as 5 years.

Section/topic	Changes needed
Enforcement	Ecology will develop enforcement guidelines for complaint response and water users not following rules
Rule harmonization	Provide requirements that align water resources rules with GMA requirements such as comp plans and critical areas, with the goal of increasing recharge and reducing water withdrawals.
Reopener	Include standards for reviewing and revising the rule on a regular schedule (for example, every 5 years), or if new information or trends indicate loss of effectiveness.

#### D. Criteria for Successful Plans

After two years at the table in four WRIA Planning committees, our criteria for a successful plan are becoming clear. Ecology should support the Tribe to ensure these elements are included in each Plan:

1. **PE CU: A conservative (high) estimate of permit-exempt well consumptive use (PE CU) set as a target for offsets.**
  - Estimates for the future consumptive use of permit-exempt wells that provide the target for offsets and define the success of the plan must be based on conservative assumptions that ensure that water produced by successful offset projects will address potential consumptive use levels under all reasonable future scenarios of high growth and use. This “precautionary principle” approach is needed because once wells are installed they will not be removed, and there needs to be a high level of confidence that offset projects will exceed future PE CU under reasonable scenarios of higher use that are foreseeable.
  - To protect senior water rights, the CU estimate must be high enough to ensure certainty that PE well use will be offset under all reasonable potential future situations. This will also ensure that streamflow restoration is likely to be an additional benefit.
2. **Projects: Strong list of projects with good water quantities, reasonable certainty, identified sponsors, willing landowners, and covering areas of high PE well impacts and important salmon areas.**

- Projects are going to be uncertain, whether in an approved plan or in Ecology’s plan and rule. Most are undeveloped concepts that will need sponsors, willing landowners, feasibility studies, funding, permits, and when completed may not perform as expected. Projects with a reasonable likelihood of success are those that are well defined and have an identified sponsor. In addition, plans need to identify projects in areas where PE wells are most likely to have an impact and where increased flows in streams are most likely to benefit salmon habitat. And overall, strong implementation is necessary to increase the likelihood of effective projects getting done and the mandates of the Act being met.

**3. Policies: Policy and regulatory recommendations that show good faith effort to meet legal requirements and provide additional streamflow benefits.**

- The Tribe has proposed a variety of policy and regulatory recommendations that contribute to protecting and restoring streamflow (see Table 3). The Plan should propose the adoption and enhancement of a significant number of these policies. These are key elements of the Plan that both help reduce PE well impacts and increase water recharging ground water and supporting summer baseflows.
- Ecology and local governments, through the plan, should commit to policies that are certain to supplement the offset of past and future PEWs and achieve NEB, in addition to the offset projects. Implementation of innovative policies included in the plan will add benefits that increase the likelihood of streamflow restoration. In addition, some project proposals can address disputes over the legal requirements for plan content and make legal disagreements moot.

**4. ISF Rule: Identification in the Plan of rule-making necessary to implement the Plan and for other reasons.**

- As discussed above, there are many reasons for Ecology to initiate rule-making, both as a consequence of Plan adoption, to help ensure implementation, and because the existing South Sound WRIA rules are defective and failing to protect the water resource and fisheries. Ecology should identify the elements of each plan and other relevant needs that require rule-making and call these out in the Plan.

**Table 3. List of Squaxin Island Tribe policy and regulatory proposals**

<b>Proposal Titles</b>	<b>Purpose</b>
Assurance of Implementation	Document Ecology’s and Counties’ commitment to implementation

<b>Proposal Titles</b>	<b>Purpose</b>
	and adaptive management
Lead Organization for Implementation	Support long-term sustainable adaptive management
Monitoring and Research	Continue collecting data and information to support adaptive management and water management in general
Adaptive Management responses	Specify adaptive management responses if Plan implementation is falling behind
Funding for Plan Implementation	Support long-term Plan implementation and adaptive management through the lead organization
South Sound Water Steward	Provide improved and enhanced Ecology interface in the South Sound for Plan implementation and better management of instream flow rules
Water Supply Data for Comprehensive Water Planning	Provide critical data for water management and show good faith effort to comply with legal requirements
Upgrade Well Reporting	Bring Ecology's data collection on wells up to date with current technology and improve the information collected.
Water Conservation Policy - Education And Incentives Program	Provide an overarching conservation program for all permit exempt wells, in parallel with conservation plan requirements for Group A systems.
Drought limits	Address extreme hydrological events and climate change with water use limits when Ecology issues a drought declaration (like WRIA 1 rule)
ISF updates	Bring 1980s ISF rules up to date with current scientific methodology and increased protection for salmon stream.
Permit-exempt Well Withdrawal Limits	Set realistic permit-exempt well water use limits (like WRIA 1 rule).
Study of County Planning Streamflow Restoration Effectiveness	Compare how planning and permitting by local governments in the South Sound supports protecting groundwater recharge and stream flows, in order to identify successful strategies and areas for potential improvement.
Revolving Loan and Grant Fund for Small Public Water Systems	Counties can explore setting up a fund to offset the costs of connecting to a Group A system instead of a permit exempt well
County Policies to Promote Connections to Group A systems	Review "right of first refusal" in coordinated water system plans and county ordinances to find ways to discourage permit exempt wells inside water system areas.

**5. Implementation and Adaptive Management: Implementation and Adaptive Management proposals that show commitment to implementation.**

- Implementation of the Plan, as discussed above, is required under the law. And if a Plan is inadequately implemented and offset water is not created for existing and future PE wells that are junior to instream flows, and/or NEB is not guaranteed, both Ecology and the Counties may be at increased risk for litigation.
- But beyond that, the Tribe believes an approved Plan could provide much more vigorous, long-term implementation than if Ecology writes a plan and a rule. This could set the table for more cooperative water management, and provide future opportunities for collaboration to improve water management into the future.

**6. NEB: Include an analysis of Net Ecological Benefit that actually demonstrates with high certainty that restores streamflow and enhances salmon habitat will result when projects and actions are implemented.**

- As the Tribe commented during Ecology’s comment period for the NEB guidance, the definition of NEB should be much broader than simply providing more offset water than expected PE well use. To fulfill the objectives of the Act, NEB must demonstrate that the plan will protect and increase streamflows, and implementation of the Plan will produce both significant benefits to salmon and no harm from effects such as geographic gaps or implementation time lags.

### **Conclusion**

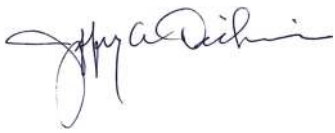
In conclusion, we ask that Ecology review the issues raised in this letter and take action to address the Tribe’s concerns. We hope for the process to be a successful step forward for effective water management in the Tribe’s South Sound U&A watersheds, and the beginning of adequate protections of Tribal water rights.

To reach those goals, however, Ecology needs to:

- Make immediate course corrections to improve how it is guiding the planning process and communicating with the Committees.
- Make a strong commitment to review and revise the rules for WRIAs 12-15 to ensure implementation of the plan and bring the rules up to date for protection of salmon and Tribal water rights.

This will make the difference between a future of collaborative water management or one of ongoing conflict and dispute. We hope you choose collaboration.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Dickison". The signature is fluid and cursive, with the first name "Jeff" being more prominent than the last name "Dickison".

Jeff Dickison, Assistant Director  
Squaxin Island Natural Resources Department

cc: Bennett Weinstein, Streamflow Section Manager, Department of Ecology  
Rebecca Brown, Watershed Lead, WRIA 12, Department of Ecology  
Angela Johnson, Watershed Lead, WRIAs 13 and 14, Department of Ecology  
Stacy Vynn-McKinstry, Watershed Lead, WRIA 15, Department of Ecology  
Alan Reichman, Assistant Attorney General  
Andy Whitener, Director, Squaxin Island Tribe Natural Resources Department  
Paul Pickett, consultant for Squaxin Island Tribe  
Sharon Haensley, counsel for Squaxin Island Tribe



# SQUAXIN ISLAND TRIBE

## ATTACHMENT 2

### SENT BY ELECTRONIC MAIL

April 16, 2021

Mary Verner, Program Manager  
Water Resources Program  
Washington Department of Ecology  
300 Desmond Drive SE  
Lacey, WA 98503  
[mary.verner@ecy.wa.gov](mailto:mary.verner@ecy.wa.gov)

Re: Squaxin Island Tribe's approval of Watershed Restoration and Enhancement Plan WRIA 13 – Deschutes Watershed (Final Draft Plan, March 18, 2021)

Dear Mary:

By this letter, the Squaxin Island Tribe ("Tribe") informs you that the Tribal Council has approved the above WRIA 13 Watershed Restoration and Enhancement Plan ("Plan"). The Tribe now looks to Ecology to adopt the Plan and fully commit to its implementation. This letter discusses our reasons for supporting the Plan as well as our concerns. In light of the uncertainties going forward, we also feel it necessary to reserve and not waive certain rights.

The Tribe acknowledges and greatly appreciates the hard work that went into this Plan by Committee members and Ecology staff and consultants. The Committee's engagement in the consensus process resulted in specific elements of the Plan that the Tribe fully supports:

- Using a "higher" permit exempt well growth estimate that accounts for future uncertainty;
- Inclusion of policy recommendations that, when implemented, should support streamflow restoration.
- Scientifically supported projects that may benefit flows and fisheries, with identified sponsors;
- Thurston County's commitments to projects and implementation;
- Thurston County's support for updating the WRIA 13 instream flow rules;



- Committee members' broad commitment for a Deschutes Watershed Council to guide implementation; and
- The Plan's acknowledgement of the importance of restoring streamflows.

The Tribe believes these positive aspects of the Plan outweigh some remaining flaws that include:

- The poor geographical distribution of projects. The Plan provides insufficient projects to restore streamflows in locations where impacts are likely to occur and harm salmon streams;
- A focus on the "moderate" permit-exempt well growth estimate and a weaker commitment to offset the higher estimate. Permit-exempt well growth may be faster than expected, and we can expect a hotter, dryer future with climate change. Providing offset projects to meet the moderate estimate may be insufficient to prevent future impacts to streamflows and protect Tribal rights; and
- Committee members' commitments to plan Implementation could be stronger. In particular, Ecology was unwilling to make firm commitments to Plan implementation, including establishing clear consequences if implementation fails to develop sufficient projects to offset higher permit-exempt well growth estimates across the WRIA.

Please understand that while the Tribe has approved the WRIA 13 Plan, it continues to have reservations about the state's process, which include a lack of assurance that streamflow restoration will actually occur and that protection of the Tribe's federally-reserved water rights. We expressed these and other concerns in our letter to you dated December 7, 2020.<sup>1</sup> Moreover, even if the Committee unanimously approves the Plan, we face significant uncertainty going forward, including Ecology action or inaction with regard to rulemaking, local government efforts, funding and implementation of projects and actions, and the accuracy of underlying Plan assumptions.

With that in mind, the Tribe feels it necessary to reserve and expressly not waive any rights including its right:

- (1) To assert an interpretation of state laws, including ESSB 6091, that differs from that presented in the Plan or elsewhere;
- (2) To take any legal action against any party if new evidence indicates that assumptions underlying the Plan are erroneous to the detriment of instream flows and fisheries;
- (3) To take any legal action to protect its interests against any party if, after a reasonable amount of time has passed, projects and actions identified in the Plan to offset impacts are not implemented; and/or
- (4) To bring any legal action against any party to seek any and all amendments of administrative rules or to oppose proposed amendments, including the WRIA 13 rule;

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<sup>1</sup> This letter and the Tribe's other correspondence with Ecology is incorporated by reference.

In the event that the WRIA 13 Plan is not unanimously approved by the committee, the Tribe reserves all rights and does not waive any rights.

Additionally, the Tribe takes the position that neither the Plan, nor its approval of the Plan, nor its participation in the planning process:

- (5) Has any legal effect on its approval or disapproval of other watershed plans in the RCW Ch. 90.94 process;
- (6) Affects the existence, amount or enforceability of the Tribe's federally-reserved water rights, or its right to have them adjudicated; and/or
- (7) Has any effect on its right to take any legal action against any party to protect its interests.

During this process, the Tribe submitted many documents into the agency record that support the need for an effective Plan and WRIA rule. Ecology should take these documents into consideration during any decision-making relating to developing a watershed Plan and/or rule-making; and should maintain them in the agency record for the long term, particularly in light of the operative statutes' forward-looking elements.

To conclude, the Tribe looks forward to participating in constructive partnerships that implement the Plan and restore and enhance streamflows. We encourage Committee members to continue to improve water management in the South Sound through collaborative dialogue and relationships, and demonstration of a firm commitment through actions and investments.

Sincerely,



Andy Whitener, Director  
Squaxin Island Natural Resources Department



# SQUAXIN ISLAND TRIBE

## SENT BY ELECTRONIC MAIL

April 16, 2021

Mary Verner, Program Manager  
Water Resources Program  
Washington Department of Ecology  
300 Desmond Drive SE  
Lacey, WA 98503  
[mary.verner@ecy.wa.gov](mailto:mary.verner@ecy.wa.gov)

Re: Squaxin Island Tribe's disapproval of Watershed Restoration and Enhancement Plan  
WRIA 14 – Kennedy-Goldsborough Watershed (Final Draft Plan, February 3, 2021)

Dear Mary:

By this letter, the Squaxin Island Tribe ("Tribe") informs you that the Tribal Council has disapproved the above WRIA 14 Watershed Restoration and Enhancement Plan ("Plan"). This letter discusses some positive outcomes of the process as well as some of the Tribe's reasons for disapproving the Plan.

We first want to acknowledge and convey our appreciation for the hard work that went into this Plan by Committee members and Ecology staff and consultants. The engagement of the Committee in the consensus process resulted in several positive aspects of the Plan:

- Several scientifically supported projects that may benefit flows and fisheries, with identified sponsors;
- Inclusion of several policy recommendations that would support streamflow restoration;
- Mason County's expression of support for implementation;
- Thurston County's commitments to projects and implementation; and
- The Plan's acknowledgement of the importance of restoring streamflows.

Unfortunately, the Plan's inadequacies outweigh these positive aspects. We expressed many of our concerns in our letter to you dated December 7, 2020.<sup>1</sup> The principal issues affecting the Tribe's decision to disapprove are:

- The Plan focuses on the "moderate" permit-exempt well growth estimate and includes a weak commitment to offset the higher estimate. Permit-exempt well growth, however, may be faster than expected, and we can expect a hotter, dryer future with climate change. Providing offset projects to meet the moderate estimate will likely be insufficient to prevent future impacts to streamflows. Therefore, the Tribe needs a Plan that firmly commits to the higher estimate in order to ensure that streamflows are restored and Tribal rights are protected.
- The Plan provides insufficient projects to restore streamflows in locations where impacts are likely to occur and harm salmon streams. The Plan acknowledges that the estimated offset benefits are poorly distributed and fall short of even the moderate targets in many subbasins. The Tribe was also disappointed that Mason County proposed the rooftop runoff project, then withdrew it.
- The Tribe proposed a variety of policy and regulatory proposals, most of which were blocked by a few Committee members. These proposals, if adopted, would have added a margin of safety by supporting activities that increase the likelihood of meeting the goal of streamflow restoration.
- Committee members, in particular Ecology and Mason County, have a weak commitment to Plan implementation. The necessary commitment includes both a process to further develop projects, and clear consequences if implementation fails.
- There is no recommendation for rule-making. Ecology's goals of offsetting development and restoring streamflows cannot be met unless it fixes outdated, defective rules.

We understand that this process now heads to the Salmon Recovery Funding Board. The Tribe will continue to advocate for a plan that it can ultimately support, which must be accompanied by meaningful rule-making. We hope that Mason County will reconsider many of its positions and join in this effort, particularly in light of the commitments made in the February 22, 2019 Memorandum of Agreement with the Tribe. Ecology and other committee members must understand that a plan that falls short of state law, in combination with no or inadequate rule-making, means that local governments could be prohibited from approving streamflow-impactful development pending compliance. Until compliance is achieved, applicants would have to provide evidence of legal and physical water availability.

At this critical point in the process with much uncertainty remaining, the Tribe finds it necessary to clarify that its continued participation in the ESSB 6091 process does not:

- (1) Have any legal effect on its approval or disapproval of other watershed plans in the RCW Ch. 90.94 process;

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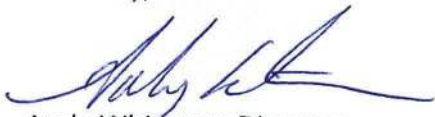
<sup>1</sup> This letter and the Tribe's other correspondence with Ecology is incorporated by reference.

- (2) Affect the existence, amount or enforceability of the Tribe's federally-reserved water rights, or its right to have them adjudicated;
- (3) Have any effect on its right to take any legal action against any party to protect its interests; and/or
- (4) Have any effect on its right to bring any legal action against any party to seek any and all amendments of administrative rules or to oppose proposed amendments.

During this process, the Tribe submitted many documents into the agency record that support the need for an effective Plan and WRIA rule. Ecology should take these documents into consideration during any decision-making relating to developing a watershed Plan and/or rule-making; and should maintain them in the agency record for the long term, particularly in light of the operative statutes' forward-looking elements.

In conclusion, we wish that our decision was otherwise. The Tribe simply cannot, however, sacrifice streamflows and fisheries by approving a plan that is virtually devoid of certainty and commitment to actual streamflow restoration.

Sincerely,

A handwritten signature in blue ink, appearing to read "Andy Whitener", with a stylized flourish extending to the right.

Andy Whitener, Director

Squaxin Island Natural Resources Department



# SQUAXIN ISLAND TRIBE

## SENT BY ELECTRONIC MAIL

April 16, 2021

Mary Verner, Program Manager  
Water Resources Program  
Washington Department of Ecology  
300 Desmond Drive SE  
Lacey, WA 98503  
[mary.verner@ecy.wa.gov](mailto:mary.verner@ecy.wa.gov)

Re: Squaxin Island Tribe's disapproval of Watershed Restoration and Enhancement Draft Plan – WRIA 15 – Kitsap Watershed (revised March 1, 2021)

Dear Mary:

By this letter, the Squaxin Island Tribe ("Tribe") informs you that the Tribal Council has disapproved the above WRIA 15 Watershed Restoration and Enhancement Plan ("Plan"). This letter discusses some positive outcomes of the process as well as some of the Tribe's reasons for disapproving the Plan.

We first want to acknowledge and convey our appreciation for the hard work that went into this Plan by Committee members and Ecology staff and consultants. The engagement of the Committee in the consensus process resulted in several positive aspects of the Plan:

- Inclusion of several policy recommendations that would support streamflow restoration;
- Expressions of support for implementation, and in particular Kitsap PUD's offer to coordinate implementation planning; and
- The Plan's acknowledgement of the importance of restoring streamflows.

Unfortunately, the Plan's inadequacies outweigh these positive aspects. We expressed many of our concerns in our letter to you dated December 7, 2020.<sup>1</sup> The principal issues affecting the

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<sup>1</sup> This letter and the Tribe's other correspondence with Ecology is incorporated by reference.

Tribe's decision to disapprove are:

- The Plan focuses on the "moderate" PE well growth estimate and includes a weak commitment to offset the higher estimate. Permit-exempt well growth, however, may be faster than expected, and we can expect a hotter, dryer future with climate change. Providing offset projects to meet the moderate estimate will likely be insufficient to prevent future impacts to streamflows. Therefore, the Tribe needs a Plan that firmly commits to the higher estimate to ensure that streamflows are restored and Tribal rights to water are protected.
- The Plan provides insufficient commitment to offset permit-exempt well growth by subbasin. The subbasins in the South Sound closely align with a portion of the Tribe's usual and accustomed fishing areas. Offset projects outside of South Sound will do little or nothing to protect the Tribe's Treaty rights to streamflow.
- The Plan provides few projects in the South Sound, and the projects listed are highly uncertain to occur. The Plan acknowledges that the estimated offset benefits fall short of the even the moderate targets. Overall, the lack of projects, the vagueness of the proposals, and the lack of commitment by potential project sponsors (in particular, the Counties) are major Plan weaknesses.
- The Tribe proposed a variety of policy and regulatory proposals, most of which were blocked by a few Committee members. These proposals, if adopted, would have provided a margin of safety by supporting activities that increase the likelihood of meeting the goal of streamflow restoration.
- Committee members, in particular Ecology and the counties, have a weak commitment to Plan implementation. This includes both a process to further develop projects, and clear consequences if implementation fails – including development and implementation of sufficient projects to offset higher permit-exempt well growth estimates in every subbasin.

We understand that this process now heads to the Salmon Recovery Funding Board. The Tribe will continue to advocate for a plan that it can ultimately support, which must be accompanied by meaningful rule-making. Ecology and other committee members must understand that a plan that falls short of state law, in combination with no or inadequate rule-making, means that local governments could be prohibited from approving streamflow-impactful development pending compliance. Until compliance is achieved, applicants would have to provide evidence of legal and physical water availability.

At this critical point in the process with much uncertainty remaining, the Tribe finds it necessary to clarify that its continued participation in the ESSB 6091 process does not:

- (1) Have any legal effect on its approval or disapproval of other watershed plans in the RCW Ch. 90.94 process;
- (2) Affect the existence, amount or enforceability of the Tribe's federally-reserved water rights, or its right to have them adjudicated;

- (3) Have any effect on its right to take any legal action against any party to protect its interests; and/or
- (4) Have any effect on its right to bring any legal action against any party to seek any and all amendments of administrative rules or to oppose proposed amendments.

During this process, the Tribe submitted many documents into the agency record that support the need for an effective Plan and WRIA rule. Ecology should take these documents into consideration during any decision-making relating to developing a watershed Plan and/or rule-making; and should maintain them in the agency record for the long term, particularly in light of the operative statutes' forward-looking elements.

In conclusion, we wish that our decision was otherwise. The Tribe simply cannot, however, sacrifice streamflows and fisheries by approving a plan that is virtually devoid of certainty and commitment to actual streamflow restoration.

Sincerely,

A handwritten signature in blue ink, appearing to read "Andy Whitener", with a stylized flourish at the end.

Andy Whitener, Director

Squaxin Island Natural Resources Department



# Squaxin RCO Watershed Comment Letter Oct 13 2023

Final Audit Report

2023-10-09

Created:	2023-10-09
By:	Lindsey Harrell (lharrell@squaxin.us)
Status:	Signed
Transaction ID:	CBJCHBCAABAAruevcyNN-FmKMFwTFZjmQk_XuauKmYaO

## "Squaxin RCO Watershed Comment Letter Oct 13 2023" History

-  Document created by Lindsey Harrell (lharrell@squaxin.us)  
2023-10-09 - 4:56:31 PM GMT- IP address: 216.235.106.129
-  Document emailed to Jeff Dickison (jdickison@squaxin.us) for signature  
2023-10-09 - 4:57:23 PM GMT
-  Email viewed by Jeff Dickison (jdickison@squaxin.us)  
2023-10-09 - 5:04:00 PM GMT- IP address: 172.56.105.55
-  Document e-signed by Jeff Dickison (jdickison@squaxin.us)  
Signature Date: 2023-10-09 - 5:04:34 PM GMT - Time Source: server- IP address: 172.56.105.55
-  Agreement completed.  
2023-10-09 - 5:04:34 PM GMT



PHONE (360) 598-3311  
Fax (360) 598-6295  
<http://www.suquamish.nsn.us>

# SUQUAMISH INDIAN TRIBE

PO Box 498 Suquamish, WA 98392-0498

October 13, 2023

Megan Duffy, Director  
Recreation and Conservation Office  
P.O. Box 40917  
Olympia, WA 98504

RE: WRIA 15 Watershed Restoration and Enhancement Plan

Dear Director Duffy:

The Suquamish Indian Tribe of the Port Madison Reservation (“Tribe” or “Suquamish Tribe”) is a federally recognized tribe and signatory to the 1855 Treaty of Point Elliott. In negotiating the Treaty of Point Elliott, the Tribe’s U& A extends well beyond the Port Madison Indian Reservation boundaries and includes marine waters of Puget Sound from the northern tip of Vashon Island to the Fraser River in Canada, including Haro and Rosario Straits, the streams draining into the western side of Puget Sound and Hood Canal. The U& A of the Suquamish Tribe encompasses all of Kitsap County while also extending west into Jefferson County, south into Mason County, and east to King County.

The Tribe protects all its treaty-reserved resources throughout its aboriginal homeland and U&A. Water quality and quantity is critical for healthy fish populations. In the Kitsap Watershed, Water Resource Inventory Area (WRIA) 15, there are no large rivers. Streams and springs in WRIA 15 tend to be smaller and seasonal and are often dependent on ground water recharge. Over appropriation of water in WRIA 15 is resulting in depleted stream flows which do not support fish populations and jeopardizes the Tribe’s treaty-reserved fishery.

Under the Treaty of Point Elliott, the Port Madison Reservation was reserved and subsequently expanded by Secretarial Order on October 21, 1864, to accommodate the Suquamish Tribe at the request of Chief Seattle. The Tribe’s on-reservation *Winters* water rights are among the most senior water rights in the WRIA.

## **I. WRIA 15 Planning**

The Streamflow Restoration Act (RCW 90.94) passed in 2018, clarifies that local governments can issue building permits for homes that intend to use permit exempt wells for their water supply. The law directs local planning groups in 15 watersheds to develop or update plans that, if implemented, are intended to offset, or “mitigate,” impacts to instream flows associated with permit-exempt domestic groundwater withdrawals and provide a Net Ecological Benefit (NEB) to the WRIA. Offsets are projects or actions intended to compensate for permit-exempt consumptive water use over the next 20-year planning period (2018-2038). NEB is the outcome that is anticipated to occur through implementation of projects and actions identified in the plan that result in a water benefit greater than the impact within the planning period.

The Tribe has participated in good faith in the WRIA 15 Watershed Restoration and Enhancement Planning Committee and has collaborated with other federally recognized tribes and regulatory agencies engaged in the WRIA planning effort under this law. Comments were provided to Ecology on Chapters 1-7 of the draft plan

via email on October 2, 2020 and on the complete draft plan (all chapters) also via email on January 14, 2021. After participating in the WRIA 15 committee meetings, providing comments to Ecology on the draft WRIA 15 plan, and further deliberating on the potential impacts to streamflow and water resources in WRIA 15, the Tribe voted to oppose the plan.

Unfortunately, there have not been substantial changes to the plan and many of the Tribe's concerns remain outstanding. In addition to concurrence with many of the WRIA 15 Watershed Plan comments outlined in the Squaxin Tribal letter dated October 9, 2023, a summary of the Suquamish Tribe's key concerns are provided below.

## **II. Uncertainty regarding streamflow benefits**

In the WRIA 15 draft plan, there are projects that have some offset benefit but there is simply not enough detailed analysis to accurately estimate the offset benefit amount. The law requires that plans include projects that have reasonable assurance of success and provide sufficient documentation of those methods, assumptions, data, and implementation considerations.

None of the projects identified in the draft plan include estimates of the timing on when the benefit would be realized. Ecology Guidance (Final Guidance for Determining Net Ecological Benefit, GUID-2094 Water Resources Program Guidance, July 31, 2019) requires both annual and seasonal impacts of water offset projects be considered and this information is not provided. The Tribe cannot support this lack of certainty.

## **III. Over Reliance on Habitat Projects**

The draft plan does identify some projects that would be beneficial to streamflow, the draft plan relies too heavily on the habitat projects to offset exempt wells. Habitat projects do not mitigate for water withdrawal. Water must be mitigated with water.

Another issue with the draft plan is the inclusion of culvert projects. Culvert projects should be removed from the list and not be included as mitigation because the State is subject to a federal injunction requiring the replacement of fishing blocking culverts and under Washington State law fish blocking culverts and dams are illegal.

No project in the draft plan should impact or alter naturally occurring wetland habitat, resulting in rerouting of streams or include instream structures (including but not limited to flow controls, storm water facilities etc.). Alteration of flows or hydroperiod can impact water quality and other wetland components (pH, temperature, system functions, etc.). In addition, hydrologic changes can impact mammal populations in wetlands by diminishing vegetative habitat.

The habitat projects included in the draft are problematic. Many do not have accurate project cost estimates and lack detail that would assure a measurable benefit to streamflow, and some have already been completed. For example, for West Sound there are only three water offset projects (Koch Creek regional storm water facility, Kitsap Creek outlet structure removal and KPUD stream augmentation); six habitat projects with some offset; nine habitat projects with no offset component; and three managed aquifer recharge projects. The only offset projects that may provide assurance of "in time" and "in kind" instream flow benefit are the Kitsap Creek outlet structure removal and the KPUD stream augmentation. Even then, while augmentation has its assurances it is essentially taking water from deeper aquifers to augment shallow aquifers, in other words robbing Peter to pay Paul. Due to augmentation being one of the only projects providing assurances we request that it remain as an option if needed even if not ideal.

#### **IV. Adaptive Management and Assurance of Plan Implementation**

According to the law and Ecology Guidance, once a WRIA plan is finalized Ecology will cease participation and involvement with the stakeholder group. There are no assurances or requirements that the projects will be implemented. Commitments to plan implementation made by local jurisdictions are laden with funding contingencies. This is simply unacceptable. Future permit exempt wells will impact stream flows, habitat, and fish populations and must be mitigated for within in-kind and in-time projects that are implemented. If Ecology ceases to hold local jurisdictions accountable for the projects, then the state threatens to undermine all the work that has been spent to develop the WRIA plans and to continue allowing residential permit-exempt wells.

Further, in the WRIA 15 draft plan many of the projects are conceptual and lack an assigned 'sponsor' with responsibility for project implementation and monitoring. This is not consistent with Ecology Guidance. Finally, there is no enforcement mechanism, monitoring program or robust adaptive management plan including performance standards to ensure project success or to address failures to comply with the identified offsets required in the plan.

We hope that you will strongly consider the comments that the Tribe, other tribes and WDFW have provided throughout the process to bring forward a revised plan that will more effectively and more assuredly mitigate the impacts of permit-exempt wells on stream flows and ensure that there is water to support salmon for future generations.

Sincerely,

Handwritten signature of Alison O'Sullivan in black ink.

Ecosystem Recovery Program Manager



COUNTY COMMISSIONERS

Carolina Mejia-Barahona  
District One

Gary Edwards  
District Two

Tye Menser  
District Three

**COMMUNITY PLANNING &  
ECONOMIC DEVELOPMENT DEPARTMENT**

Joshua Cummings, Director

*Creating Solutions for Our Future*

Megan Duffy  
Director, Washington State Recreation and Conservation Office  
PO Box 40917  
Olympia, WA 98504-0917

*Sent via electronic mail to [rco-director@rco.wa.gov](mailto:rco-director@rco.wa.gov)*

Dear Director Duffy,

Thank you for the opportunity to review and provide comments on the Watershed Restoration and Enhancement Plan Review Report. Thurston County Community Planning participated in the watershed planning process for two plans reviewed in the report, WRIA 13 and WRIA 14, and wishes to respond to the Science Panel's (the "Panel") comments on both plans. Due to similarities in the Panel's comments between the two plans the County's responses apply to both WRIA 13 and WRIA 14 plans.

Science Panel Technical Summary and Review Comments with Thurston County Response:

- The benefits of Managed Aquifer Recharge (MAR) facilities are overstated.
  - County Response: The Panel's comment challenges the approach used in the plans to evaluate MAR contributions to offsets but does not offer an actionable alternative approach to make those evaluations.
- The plans fail to identify stream degradation as a root cause of reduced summer base flows and relies on further alterations of natural stream hydrology instead of seeking solutions that reverse alterations.
  - County Response: The County agrees that identification and exploration of root causes of streamflow reduction, including stream degradation, should be represented in the plans. The Panel's comment offers no specific approach to identify the extent streambed degradation plays in streamflow reduction in WRIAs 13 and 14. The Panel should work with watershed planning units to develop an accepted approach to quantify impacts of stream degradation on flows. The Panel should further work with watershed planning units to develop an approach to calculate potential benefits from stream restoration to offset future permit exempt well installations.



COUNTY COMMISSIONERS

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**COMMUNITY PLANNING &  
ECONOMIC DEVELOPMENT DEPARTMENT**

*Creating Solutions for Our Future*

Joshua Cummings, Director

- The watershed plans should contain more details about how stormwater could be considered a source of water for MAR projects.
  - County Response: Stormwater may not be an appropriate source to consider for external mitigation. Water quality is a concern for introducing runoff into groundwater and further clarification on the Panel's recommendations for balancing water quality concerns with offset quantity is desirable, including identification of specific MAR approaches suitable for both watersheds. Additionally, in developed areas precipitation is diverted into streams in unnatural peak flow conditions and considering impervious surface runoff as an external source of mitigation may not be appropriate without further empirical analysis.

In addition to the above, the County wants to note that the policy recommendations developed for both WRIA 13 and WRIA 14—placed into Appendix F of the respective plans during Department of Ecology's rulemaking process—should be represented as contents of the respective plans. Many of these policies outline approaches that encourage implementing jurisdictions to continue participation in integrated, collaborative watershed planning. These policies promote implementation strategy development that will help ensure offset needs are met and provide an empirical basis to pursue new project types and monitor project outcomes.

We appreciate the opportunity to respond with comments to the Watershed Restoration and Enhancement Plan Review Report. We encourage RCO, the Salmon Recovery Funding Board, the Department of Ecology, and the Panel to engage with watershed planning units to share literature and review local examples that would clarify how to make the Panel's recommendations actionable.

Best Regards,

Bryan Benjamin  
Associate Planner, Community Planning  
Thurston County

**To:** Recreation and Conservation Office

**From:** Tristan Weiss, Streamflow Restoration Ecologist, WDFW  
Nate White, Streamflow Restoration Coordinator, WDFW

**Date:** October 3, 2023

**Re:** WRIA 14 and 15 technical comments on SRFB's *Watershed Restoration and Enhancement Plan Review Report*

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Washington Department of Fish and Wildlife's (WDFW) comments primarily address the Salmon Recovery Funding Board's (SRFB) review panel's analysis of the WRIA 14 and 15 Watershed Restoration and Enhancement Committees (WREC) plans. WDFW voted not to approve these plans during the original WREC planning process. We stand by our voting decisions and maintain our comments made about these plans at that time. We offer our comments here to provide further context for our perspective and to aid the SRFB in providing recommendations to Ecology that encourage the adoption of plans that support robust, healthy, and sustainable salmon populations.

#### Consumptive use

- We agree with the panel's findings that consumptive use estimates were consistently applied across WRIAs. We also support the finding that summer consumptive uses should be provided in more detail.
- In addition, we believe that the use of one sample size across all WRIAs to estimate outdoor irrigated acreage, regardless of the projected number of new wells in the WRIA, increases uncertainty of the outdoor irrigated acreage estimate and undermines confidence in the final projected consumptive use value and sufficiency of offset actions.

#### Water Offsets

- We agree with the review panel's findings regarding the uncertainties surrounding stream augmentation supplied by groundwater and managed aquifer recharge (MAR) facilities supplied by surface water withdrawals. The panel's analysis aligns with our broader reluctance to rely on overly engineered, complex projects that are proposed as mitigation for new permit exempt well impacts in perpetuity.
- We also agree that the plans should seek to implement actions that address the root causes of stream degradation and avoid further hydrological manipulation of surface-groundwater systems.

## Net Ecological Benefits

- We share the panel's observation that highly conceptual, impracticable, and unsponsored projects are less likely to be implemented and should be revised or removed from the plan as offset/habitat projects. However, in lieu of replacing projects that are more likely to achieve tangible offsets, we believe that remaining projects should be re-evaluated to determine if NEB can be achieved.
- The ecological impacts of new water withdrawals will be greater where aquifers are stressed by climate change. In consideration of climate change, the long-term viability of both water and habitat offset projects should be evaluated individually and cumulatively in the analysis of NEB.
- We agree with the panel's recognition that there is a lack of clarity around the use of forest protection projects in WRIA 15. We strongly support the use of forest protection as a strategy for improving watershed resilience and protecting aquifer health. We encourage the inclusion of forest protection in the plan; however, we believe that streamflow benefits should not be quantified given the short- and long-term uncertainty in the benefits.

We hope these comments help to inform the SRFB's technical recommendations to Ecology. The adoption of robust WRIA 14 and 15 WREC plans that support streamflows and salmon populations are necessary to meet the intent of RCW 90.94. We welcome future opportunities to discuss our comments in more detail or answer any questions you may have.

CC: Jeremy Cram, Salmon Recovery Policy Lead, WDFW  
Megan Kernan, Water Policy Section Manager, WDFW  
Kiza Gates, Water Science Team Section Manager, WDFW



## Salmon Recovery Funding Board Decision Memo

### APPROVED BY RCO DIRECTOR MEGAN DUFFY

**Meeting Date:** December 13, 2023

**Title:** Match Waiver Policy Options

**Prepared By:** Nicholas Norton, Policy and Planning Specialist

#### Summary

This memo provides a reminder of different match options that have previously been discussed by the Salmon Recovery Funding Board and two specific waiver options for future implementation based on past board direction. These options waive match requirements for 1) all project types, or 2) all project types except certain acquisition and riparian planting projects.

Staff are requesting a decision from the board on which option to implement for future grant rounds.

#### Board Action Requested

This item will be a:

<input checked="" type="checkbox"/>	Request for Decision
<input type="checkbox"/>	Request for Direction
<input type="checkbox"/>	Briefing

### Introduction/Background

In June 2022, the Salmon Recovery Funding Board (board) began discussing and examining current match policy. In 2023, the board has asked staff to analyze and assess current policies and develop alternative match options. Match discussions include:

- 1) June 2022 Retreat – Highlighting match as one barrier that can influence projects
- 2) [March 2023 Meeting](#) (Item 6) – Analysis and assessment of current match policy
- 3) [May 2023 Meeting](#) (Item 5) – Initial consideration of alternate match pathways
- 4) [September 2023 Meeting](#) (Item 5) – Analysis and assessment of easier match

Broadly speaking, the options considered and discussed by the board to date fall into three categories: 1) do not change match requirements (No Change), 2) make match easier (Easier Match), and 3) waiving match for all or most project types (Match Waiver).

Across multiple meetings, the board has indicated a growing interest in moving away from the current approach (No Change) given that match requirements are not greatly affecting desired policy outcomes, while creating a drag on the pace and scale of project implementation. In addition, staff and the board had substantive concerns about the potential consequences of retaining match requirements while making match administration easier (Easier Match). As a result, at the conclusion of the September 2023 meeting, the board indicated a clear willingness to see a decision put forward that would waive match for all or most project types (Match Waiver), alongside changes to better report outside funding and a program review to understand the impact of such changes.

For this memo, staff is providing some considerations regarding the waiver of board match requirements, as well as two “Match Waiver” options for a potential board decision. One option (Full Match Waiver) would waive match requirements for all board projects. The other option (Partial Match Waiver) would waive match requirements for all board projects except certain acquisition and riparian planting projects.

If any options are approved by the board, staff will begin work on secondary policy changes and operational work to implement the changes as part of a future grant round, targeting 2025 as an implementation date.

## Match Waiver Considerations

Currently, there are three project types where match is varied to support specific outcomes:

- **Design Only Grants:** For design-only grants requesting less than \$350,000 from the board, match requirements are currently waived if the project is completed in less than two years. If the project goes over two years, then fifteen percent match is required.
- **Acquisitions:** For acquisitions with greater than fifty percent uplands, as defined in *Appendix L*, applicants must bring additional match beyond the standing fifteen percent threshold up to a maximum of thirty-five percent.

- **Riparian Buffers:** If riparian planting projects do not meet the Recreation and Conservation Office's (RCO) buffer width standards in *Appendix K*, then they are required to bring the standing fifteen percent threshold.

Collectively, these policy decisions were designed to drive project development in ways that support the strategic and efficient use of public funding for salmon recovery (i.e., support faster design work, limit spending of board funds on non-riparian acres, and encourage the development of wider riparian buffers). Depending on the extent that the board elects to waive match requirements, if at all, further policy development may be warranted to help drive these outcomes in different ways.

The Partial Match Waiver Option provided by staff retains increased match requirements for acquisitions with more than 50 percent uplands. Acquisitions were specifically called out by the board during the last meeting as a place where it would make sense to keep some match requirements. The Partial Match Waiver Option provided by staff also retains the match requirements for buffers that don't meet RCO's existing buffer standards. Staff would like to proactively examine alternate approaches to encouraging wider buffers, given the barriers to implementation that match creates and the potential for additional riparian specific funding. Given the work and parties involved in developing the current buffer policy, however, staff didn't want to propose elimination of this match requirement without a robust, widely supported substitute approach.

## Options Description

**Full Match Waiver Option:** matching share requirements would be removed from all project types.

**Partial Match Waiver Option:** matching share requirements would be removed from all project types except for 1) acquisition projects with more than fifty percent uplands, and 2) projects with riparian planting as a primary component that do not meet RCO's existing buffer standards.

**No Change:** staff will set aside this policy topic for the time being unless otherwise directed by the board.

## Implementation

If the board approves a full or partial match waiver at this meeting, staff will move forward with any secondary policy development as appropriate for design-only grants, acquisitions, and/or riparian planting projects.

Concurrently, staff will also move forward with any operational elements associated with a full or partial match waiver. Most importantly, this would involve developing a method in PRISM for sponsors to report the source and amount of outside funding and developing a dashboard to support a comprehensive program review of the impacts of match waiver decisions.

Any approved changes will not be implemented for the 2024 grant round. At best, changes to match requirements would go into effect for the 2025 grant round, to provide the opportunity for PRISM development and secondary policy changes based on the specific board motion.

## Board Motions

**Full Match Waiver:** Move to approve the waiver of board match requirements for all project types. Regardless of whether match is included in a project, all sponsors must report on outside funding used to accomplish the scope of work funded by the board.

**Partial Match Waiver:** Move to approve the waiver of board match requirements for all project types, except under the following circumstances:

- Acquisition projects with more than fifty percent uplands, as defined in *Appendix L*.
- Projects with riparian planting as a primary component that do not meet buffer standards as described in *Appendix K*.

Regardless of whether match is included in a project, all sponsors must report on outside funding used to accomplish the scope of work funded by the board.

## Strategic Plan

The issue of match is relevant to the board's Allocation Strategy in Goal 1: *Within the limits of the board's budget and priorities, fund projects, monitoring, and human capital in a way that best advances the salmon recovery effort.*

In addition, this issue connects directly with the board's Resource Strategy in Goal 2: *Confirm the value of efficiency by funding actions that result in economical and timely use of resources for projects, human capital, and monitoring.*

## Salmon Recovery Funding Board Decision Memo

### APPROVED BY RCO DIRECTOR MEGAN DUFFY

**Meeting Date:** December 13, 2023

**Title:** Willapa Coastal Forest Acquisition: Transfer to United States Fish and Wildlife Service

**Prepared By:** Elizabeth Butler, Salmon Grants Manager  
Adam Cole, Policy Specialist

#### Summary

This memo summarizes the proposed property conveyance process and habitat protection agreements designed to enable Western Rivers Conservancy to transfer the Willapa Coastal Forest Phase 1 property (22-1803) to the US Fish and Wildlife Service to expand the Willapa National Wildlife Refuge.

#### Board Action Requested

This item will be a:  Request for Decision  
 Request for Direction  
 Briefing

### Policy Background

Federal agencies are not eligible to receive salmon recovery grants from the Salmon Recovery Funding Board (board). However, the legislature established conditions to allow transfer of real property acquired with state funds to the federal government. The Washington state legislature crafted Chapter 77.85 to guide Salmon Recovery and Section 77.85.130(7) specifically contemplates that in conveying a property to the federal government, some standard board protections may not be feasible (e.g., deed of right) but allows for such a transfer, nonetheless.

Revised Code of Washington 77.85.130 (7) states:

***(7) Property acquired or improved by a project sponsor may be conveyed to a federal agency if:***

*(a) The agency agrees to comply with all terms of the grant or loan to which the project sponsor was obligated; or*

*(b) the board approves:*

*(i) Changes in the terms of the grant or loan, and the revision or removal of binding deed of right instruments; and*

*(ii) a memorandum of understanding or similar document ensuring that the facility or property will retain, to the extent feasible, adequate habitat protections; and*

*(c) the appropriate legislative authority of the county or city with jurisdiction over the project area approves the transfer and provides notification to the board.*

The board developed policy to implement this legislation and the Recreation and Conservation Office (RCO) provides the process for transferring property to a federal entity in Manual 18. The process is included in Attachment A: Land Conveyances to the Federal Government, Manual 18.

## Project Funding

In December 2022, the board approved \$4,794,000 of Salmon State Large Supplemental funding to Western Rivers Conservancy (WRC) for acquisition [project #22-1803](#) "Willapa Coastal Forest – Phase I." The project scope is to purchase approximately 1,037 acres of the Bear River watershed and estuary to protect salmon. The application proposed that once the property was acquired, it be transferred to US Fish and Wildlife Service (USFWS) to expand the Willapa National Wildlife Refuge (NWR) for salmon and related species protection. RCO staff presented the project to the board at the December 2022 board meeting and briefed the board on the project scope and likely transfer to the federal government. In March 2023, RCO and WRC executed the grant agreement, totaling \$5,000,001, including a direct federal appropriation to the USFWS of \$206,001 (Land and Water Conservation Fund).

## Willapa Coastal Forest Ph I Federal Transfer Proposal and Status

### Pacific County Commission Supporting Resolution

The statute allowing transfer to federal entities requires that *"the appropriate legislative authority of the county or city with jurisdiction over the project area approves the transfer and provides notification to the board"* (RCW 77.85.130 (7)(c)).

In May 2023, RCO sought a resolution from Pacific County Commissioners in support of the Western Rivers Conservancy Acquisition and subsequent transfer to the USFWS. The County Commissioners unanimously passed Resolution 2023-036 (Attachment B)

in support of this project. Before the resolution was put to a vote, the County Commissioners and citizens spoke very highly of the Willapa National Wildlife Refuge and demonstrated great appreciation for this natural resource in their own back yard.

## Substitute Habitat Protections

USFWS determined that they did not have legal authority to accept the terms of the RCO Deed of Right, nor the Salmon Project Agreement. Therefore, as required by the statute, the board will need to approve: (i) *“Changes in the terms of the grant or loan, and the revision or removal of binding deed of right instruments; and (ii) a memorandum of understanding or similar document ensuring that the facility or property will retain, to the extent feasible, adequate habitat protections”* (RCW 77.85.130 (7)(b)). Staff worked with Assistant Attorney General (AAG) David Merchant to draft the substitute habitat protection documents, who then worked directly with the USFWS Solicitor Anna Roe to finalize three agreements proposed for this transaction:

### **1) Property Project Agreement (Exhibit C)**

Like escrow instructions, this agreement between RCO, USFWS, and WRC defines the structure of the project and outlines the roles and responsibilities of each party to enable WRC to purchase parcels from the private timber company with board and Land and Water Conservation Fund (LWCF) funds, and to transfer those parcels to the USFWS.

This transaction will have two related but separately recorded real estate closings, scheduled for the end of 2023:

- a) First Closing – Transfer from the FIA Timber Growth and Value Washington, LLC to WRC. In total, WRC will acquire approximately 2,366 acres, which includes the board funded 1,037-acre property. The purchase price will be funded with salmon recovery and LWCF funding. The deed of right between RCO and WRC for the board funded subject property will be recorded with Pacific County. The Property Stewardship Agreement (see #2 below) will be signed by RCO, WRC, and USFWS.
- b) Second Closing – Transfer from WRC to USFWS, with the transfer deed incorporating the terms of the deed of right but placed in a state of abeyance (temporary nonuse) while the USFWS or other federal agency owns the property. The deed of right would apply to any other nonfederal future owner of the site.

## **2) Property Stewardship Agreement (Exhibit D)**

Because the deed of right will not apply to the USFWS, this contract between RCO and USFWS outlines the habitat protections for the property in perpetuity but is only applicable while the property is in federal ownership. RCO's Assistant Attorney General has confirmed that the agreement meets the legal requirements of the governing statute.

The agreement incorporates many of the terms in the board deed of right template, including that the federal government will manage the property in perpetuity for salmon habitat conservation and restoration, and compatible public uses (e.g., compatible recreation, environmental education, interpretation, wildlife viewing) all consistent with the project's application and requires prior written consent from RCO to allow inconsistent use of the property and any needed mitigation.

The agreement will apply to any agency of the federal government owning the property. The agreement references the current Willapa NWR management plan, which will also apply to any federal agency, should another agency take ownership of the property in the future.

The agreement requires notice to RCO when management planning is underway so that RCO may comment on salmon habitat stewardship, and also requires the federal government to provide updated management and restoration plans that affect the property.

If there is a compliance issue, the federal government reserves the option to provide a replacement property of equivalent size, value and utility, but not subject to RCO approval. However, funding for any replacement property would be subject to Congressional appropriation.

If the federal government transfers ownership to a non-federal entity, the deed of right will become enforceable upon the new owner and the Stewardship Agreement will no longer apply.

## **3) Deed of Right (Exhibit E)**

Although no transfer is currently planned, RCO, WRC and USFWS determined it would be prudent to define what would protect the property if USFWS transferred the property to a non-federal entity. The parties edited the deed of right<sup>1</sup> to reflect the

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<sup>1</sup> Track changes illustrate how this deed of right differs from the SRFB template.



stewardship responsibilities that will transfer to a private party if the federal government transfers the property out of federal ownership. Western Rivers Conservancy signs the deed of right and records the document at closing. The property is conveyed to the USFWS with the deed of right in abeyance during federal ownership. The abeyance language will not eliminate the deed of right – only make it not apply to the United States government.

## Salmon Recovery Funding Board Technical Review Panel Review

The Land Conveyances to the Federal Government policy in Manual 18 (Attachment A) includes a requirement that the *“SRFB Review Panel conduct a technical review and assessment of the proposed substitute protections (4)”*. In October 2023, the SRFB (board) Review Panel reviewed the substitute habitat protections, including the Willapa National Wildlife Refuge Comprehensive Conservation Plan (Sept, 2011); Property Stewardship Agreement (Attachment D); and the Deed of Right (Attachment E). Review Panel Members Marnie Tyler and Kelley Jorgenson provided a memo supporting the transfer to the USFWS (Attachment F).

### **Findings**

Review Panel members concluded the substitute protections meet the goals and objectives of the original project and result in the intended outcomes, which are to produce sustainable and measurable benefits for salmonids and their habitat. Further, they determined the Willapa NWR Comprehensive Conservation Plan that guides the management and restoration of the refuge land base is well-aligned with the board goals and as currently crafted, will ensure future uses on the land support salmon recovery. They also believe the substitute habitat protection documents appear to provide remedies in law, statute, and contract terms to adequately protect the salmon habitat. The review panel made one recommendation for improvement to the Stewardship Agreement which has been incorporated into the agreement.

## Alignment to Manual 18 Policy: Land Conveyances to the Federal Government

### **Assignment and Associated Risk**

The Land Conveyances to the Federal Government policy in Manual 18 (Attachment A) includes a requirement that the substitute habitat protections must *“Be long term or in perpetuity, if possible, under federal law and policy (13).”* The policy also requires that *“There must be a low likelihood that future uses on the land will not be conservation-oriented or contrary to the original grant conditions (14).”* While today’s Willapa NWR is

well-aligned with board goals, there is a slight risk that a property could be transferred to another entity that does not align as closely. Due to the requirements of the National Wildlife Refuge System Administration Act of 1966 ([16 USC 668dd](#) (b)(3)), the Stewardship Agreement cannot limit the rights of the USFWS to exchange or sell the property should the USFWS Secretary or Congress decide to do so.

It is difficult to assess the risk of transfer, and the USFWS attorney noted that a transfer to another federal entity would be extremely unlikely. Properties can only be removed from the National Wildlife Refuge System by an act of Congress or by an exchange or sale as outlined in federal law. RCO, USFWS, and WRC have provided safeguards for any transfer by either reinstating the deed of right for a private buyer or for maintaining the Stewardship Agreement for another federal entity.

While it is not possible to predict Congressional legislation, short of another federal need for a specific piece of property, administrative swaps are rare. In the Pacific Northwest, most agency swaps occurred in the 1950s for hydroelectric dams and other power sites. There were some other transfers during WWII for defense needs. The more typical transfer now is from hydropower and defense sites to conservation agencies. USFWS notes this piece of property is so remote and surrounded by other rural property that it is unlikely to be targeted for a different federal use, in a practical, and regulatory context.

### ***Legal Enforceability***

The Land Conveyances to the Federal Government policy in Manual 18 (Attachment A) includes a requirement that the substitute agreement "*must clearly identify remedies in law, statute, and contract terms (16)*" and "*must be legally enforceable with known remedies (17)*."

The Stewardship Agreement provides RCO the right to enforce terms by suing the federal government, with the US District Court for Western District of Washington identified as the preferred venue, and it includes injunctive relief among RCO's identified remedies. The Stewardship Agreement includes references to federal laws that may affect RCO's ability to obtain equivalent properties or monetary relief, which are standard RCO remedies. While the USFWS solicitor was unable to warrant enforceability, the USFW agrees in the Stewardship Agreement that RCO "may" seek injunctive relief against federal government. The phrase "may be" does indicate uncertainty as to the ultimate conclusion by a court, but it is language indicating that USFWS will not object to enforceability.

## **Staff Assessment**

In developing the substitute habitat protections salmon section and policy staff attempted to anticipate future challenges and provide opportunities for the board and technical review panel's input on stewardship. However, staff are not familiar with day-to-day nor longer-term realities surrounding management of National Wildlife Refuges, and much will be outside RCO and SRFB's sphere of influence.

RCO staff reviewed the substitute habitat protection agreements for the project and believe the documents prepared by the AAG and USFWS Solicitor provide the best possible terms and conditions for salmon recovery—but some uncertainty remains. Regardless, USFWS is a federal agency that aligns well with salmon recovery goals on the coast, ; incorporating the property into the National Wildlife Refuge gives RCO the ability to test 77.85.130(7) and learn more about how we can expand salmon stewardship resources and opportunities in Washington State.

If the board does not approve the transfer of the property to the USFWS then WRC will seek additional federal Land and Water Conservation Funds to afford this acquisition and transfer the property to USFWS. While WRC would anticipate a delay in the project, they and USFWS are committed to securing the funds necessary to protect this priority property as part of an expanded Willapa National Wildlife Refuge.

Staff recommends the board approve this land transfer from WRC to the USFWS. This federal agency is the logical steward for the property and the substitute habitat protections indicate good intent between the UWFWS and RCO.

*Staff are presenting this conveyance request to the SRFB at this December 13, 2023, public meeting with opportunity for public comment.*

## Strategic Plan Connection

<https://rco.wa.gov/wp-content/uploads/2019/07/SRFB-StrategicPlan.pdf>

Goal 2: Be accountable for board investments by promoting public oversight, effective projects, and actions that result in the economical and efficient use of resources.

- Accountability Strategy: Conduct all board activities clearly and openly, and ensure that the public can readily access information about use of public funds for salmon recovery efforts.

## Motion

The Salmon Recovery Funding Board approves the transfer of grant funded property from project 22-1803, as described in the Item 7 memorandum from the December 13, 2023, meeting materials, from Western Rivers Conservancy to the United States Fish and Wildlife Service. This transfer protects critical salmon habitat and expands the Service's ownership and management of the Willapa Bay National Wildlife Refuge in Pacific County Washington.

This transfer has also been approved by Pacific County per County Council Resolution 2023-036 in an open public meeting of the Council on May 23, 2023.

## **Attachments**

- A. Land Conveyances to the Federal Government, Manual 18
- B. Resolution 2023-036
- C. Project Property Agreement
- D. Property Stewardship Agreement
- E. Deed of Right
- F. Supporting memo from the Salmon Recovery Funding Board Review Panel

# Manual 18

# Salmon Recovery Grants

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January 2023

## Land Conveyances to the Federal Government

At times, land purchased with a SRFB grant may transfer to the federal government for free or in exchange for similar property. In these instances, RCO will use the following process:<sup>12</sup>

1. Sponsor notifies RCO of the intent to convey land to a federal agency.
2. The RCO grants manager assists in the development of an agreement mechanism to ensure parties consider the appropriate level and scope of habitat protections.
3. Sponsor submits a draft agreement to RCO.
4. SRFB Review Panel conducts a technical review and assessment of the proposed substitute habitat protections.
5. RCO grants manager and policy staff review the agreement to determine if all criteria were addressed and if the agreement is ready to present to the SRFB.
6. Staff presents the conveyance request to the SRFB at a public meeting with opportunity for public comment.
7. The SRFB may take the following actions:
  - o Approve the conveyance and associated habitat protections as presented.
  - o Provide additional guidance and request a revised proposal.
  - o Deny the proposed conveyance.

If the terms of the original grant were revised, the following criteria must be met to meet the statutory requirement of Revised Code of Washington 77.85.130(7)(ii):

8. The SRFB-funded property must be conveyed in its entirety.
9. The sponsor cannot receive compensation in any form for the conveyance, unless receiving a property of equal or greater conservation value, including

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<sup>12</sup>Revised Code of Washington 77.85.130(7) states that: (7) Property acquired or improved by a project sponsor may be conveyed to a federal agency if: (a) The agency agrees to comply with all terms of the grant or loan to which the project sponsor was obligated; or (b) the board approves: (i) Changes in the terms of the grant or loan, and the revision or removal of binding deed of right instruments; and (ii) a memorandum of understanding or similar document ensuring that the facility or property will retain, to the extent feasible, adequate habitat protections; and (c) the appropriate legislative authority of the county or city with jurisdiction over the project area approves the transfer and provides notification to the board.

species and habitat, (than the conveyed property) that will remain protected in perpetuity.

10. The conveyance agreement must include the original grant conditions except where those conditions are contrary to federal law or policy. In those instances, as directed by the statute, the draft agreement must identify substitute habitat protections.
11. Substitute protections must fully meet or exceed goals and objectives of the original project and result in the outcomes intended in the original grant. If substitute protections cannot be ensured to fully meet or exceed the goals and objectives of the original grant, other benefits to the targeted species, habitat, or ecosystem functions must be provided that outweigh the potential loss of protection.
12. Substitute protections or other intended benefits of the conveyance must support salmon recovery and produce sustainable and measurable benefits for fish and their habitat.
13. Substitute habitat protections must do the following:
  - o Apply to the full parcel of land funded by the SRFB.
  - o Be long term or in perpetuity, if possible, under federal law and policy.
  - o Support those habitat and other ecosystem functions necessary to survival and health of the target species identified in the original grant.
  - o Be legally enforceable.
14. There must be a low likelihood that future uses on the land will not be conservation-oriented or contrary to the original grant conditions. Measures of future uses include but are not limited to commercial value and resource extraction value.
15. The proposed management plan should provide equal or greater stewardship of conservation values than that intended in the original grant.
16. Agreement must clearly identify remedies in law, statute, and contract terms.
17. Agreement mechanism must be legally enforceable with known remedies.

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
PACIFIC COUNTY, WASHINGTON

RESOLUTION NO. 2023- 036

IN THE MATTER OF THE WESTERN RIVERS CONSERVANCY’S WILLAPA COASTAL  
FOREST PROJECT AT THE WILLAPA NATIONAL WILDLIFE REFUGE

WHEREAS, the Western Rivers Conservancy (WRC) has the right to acquire certain property, as more particularly described in Exhibit A, hereto the “Property”; and

WHEREAS, the Board of County Commissioners of Pacific County considers it to be in the best interest of the County and supports Western Rivers Conservancy’s purchase of the Property and to convey it to the United States Fish and Wildlife Service for inclusion into the Willapa National Wildlife Refuge to protect and restore Bear River and its watershed for the benefit of its economy and quality of life of Pacific County; and

WHEREAS, the Salmon Recovery Funding Board has provided a grant to enable such Property to be conserved by conveyance to the United States Fish and Wildlife Service; and

WHEREAS, for such funding to be granted, RCW 77.85.130(7) requires, among other items, the appropriate legislative authority of Pacific County, with jurisdiction over the project area, to approve the transfer of the Property to United States Fish and Wildlife Service.

NOW THEREFORE, IT IS HEREBY RESOLVED the Board of County Commissioners of Pacific County approves such transfer of the Property to United States Fish and Wildlife Service, for inclusion in the Willapa National Wildlife Refuge.

PASSED by the Board of Pacific County Commissioners meeting in regular session this 23<sup>rd</sup> day of May, 2023 at South Bend, Washington, by the following vote then signed by its membership and attested to by its Clerk in authorization of such passage:

3 YEA; 0 NAY; 0 ABSTAIN; and 0 ABSENT

BOARD OF COUNTY COMMISSIONERS  
PACIFIC COUNTY, WASHINGTON

Lisa R. Olsen

Lisa Olsen, Chair

Jerry Doyle

Jerry Doyle, Commissioner

David Tobin

David Tobin, Commissioner

ATTEST:

Amanda Bennett  
Amanda Bennett, Clerk of the Board



**Exhibit A**  
**PROPERTY DESCRIPTION**

FIA TIMBER TRACT  
(36,a,b,c,R)  
PACIFIC COUNTY, WASHINGTON

The following described tract of land is located in Pacific County, Washington, situate approximately 3.5 miles east of Long Beach, Washington, and being a portion of the lands described in Bargain and Sale Deed from RAYONIER WASHINGTON TIMBER COMPANY to FIA TIMBER GROWTH AND VALUE WASHINGTON, LLC recorded May 27, 2016, under record number 3165964, records of Pacific County, Washington; said tract more particularly described as follows:

TOWNSHIP 10 NORTH, RANGE 10 WEST, WILLAMETTE MERIDIAN:

Section 8; SE1/4.

Section 17; E1/2.

Section 20; NE1/4, S1/2SW1/4, Fractional SE1/4.

Section 21; N1/2, SW1/4, N1/2SE1/4.

Section 29; NW1/4NW1/4.

TOWNSHIP 10 NORTH, RANGE 11 WEST, WILLAMETTE MERIDIAN:

Section 13; NE1/4, N1/2SW1/4; N1/2SW1/4SW1/4; SE1/4SW1/4SW1/4, SE1/4SW1/4, SE1/4.

TOWNSHIP 10 NORTH, RANGE 10 WEST, WILLAMETTE MERIDIAN:

Section 19; W1/2NE1/4, Fractional NW1/4, Fractional N1/2SW1/4, SE1/4.

TOGETHER with the right to use the existing 60-foot road (aka (30R1, 38R4) beginning in the NW1/4NW1/4 section 19, T10N, R10W, WM at the northwest right-of-way of State Route 101; thence northwesterly approximately 0.33 miles to the west line of T10N, R10W.



**RCO Project Number:** 22-1803A

**SRFB Sponsor/Project Partner:** Western Rivers Conservancy

**Project Title:** Willapa Coastal Forest – Ph I

**Property Stewardship Agreement Date:** December 13, 2023

### **Property Project Agreement**

between the

**U.S. Department of Interior Fish and Wildlife Service, Pacific Region**

and the

**Washington State Recreation and Conservation Office**

and the

**Western Rivers Conservancy**

#### **PARTIES TO THE AGREEMENT**

This Willapa Coast Forest Property Project Agreement (Project Agreement) is by and among the State of Washington acting by and through the Washington State Salmon Recovery Funding Board and the Recreation and Conservation Office (together RCO), Western Rivers Conservancy (WRC), and the United State Fish & Wildlife Service (the Service). RCO, WRC, and the Service are individually referred to as a Party and collectively referred to as the Parties. This Project Agreement shall be binding on the Parties and on all agents and persons acting by or through the Parties.

The identified Authorized Representative(s)/Agent(s) have full authority to legally bind the Parties regarding all matters covered by this Project Agreement, including but not limited to, full authority to (1) enter into this Project Agreement on behalf of each Party, (2) enter any amendments thereto on behalf of the respective Parties. Agreements and amendments must be signed by the Authorized Representative/Agent(s) of each Party, unless otherwise allowed in Amendments to Agreement Section.

#### **PURPOSE OF AGREEMENT**

This Project Agreement is intended to set forth the overall structure of the Willapa Coastal Forest Phase I Project (Project), the ultimate goal of which is to transfer parcel(s) of land near Willapa Bay from private ownership to the Service for addition to the Willapa National Wildlife Refuge (Refuge). More specifically, this Project Agreement is intended to describe transaction and agreements among RCO, WRC, and the Service related to the purchase and conveyance of the parcels identified in Exhibits “A-1 Legal Description” and “A-2 Property Map” (the Parcels) from FIA Timber Growth and Value Washington, LLC (Timber LLC), through WRC, to the Service for addition to the Willapa Wildlife Refuge.

## TRANSACTION DETAILS

The conveyance of the Parcels from FIA Timber Growth and Value Washington, LLC (Timber LLC) to the Service shall be accomplished through two related but separately-recorded real estate closings, both of which shall close on \_\_\_\_\_ (Closing Date) and each of which involves multiple agreements, as follows:

**Prior to First Closing:** Execution of documents and deposit of funds. Not later than ten (10) days prior to the Closing Date, each Party shall (1) deliver to First American Title (Escrow) the following fully-executed documents (counterparts and electronic signatures are permitted on non-recorded documents) and shall deposit funds required for closing with Escrow as identified, and (2) deliver to all other Parties a copy of each document delivered and written confirmation of deposit of funds.

### WRC:

- WRC will not receive compensation in any form for the conveyance to the Service, unless receiving a property of equal or greater conservation value, including species and habitat, (than the conveyed property) that will remain protected in perpetuity.
- Memorandum of Option Agreement between Timber LLC and WRC. (Exhibit B)
- Bargain and Sale Deed from Timber LLC to WRC. (Exhibit C).
- Deed of Right between RCO and WRC. (Exhibit D)
- Property Stewardship Agreement among RCO, WRC, and the Service. (Exhibit E)
- Statutory Warranty Deed from WRC to Service, incorporating the terms of the Deed of Right, but placed in abeyance so long as Service or any United States agency owns the Property.. (Exhibit F).

### RCO:

- \$4,794,000.00 Funds
- Deed of Right between RCO and WRC. (Exhibit D)
- Property Stewardship Agreement among RCO, WRC, and the Service. (Exhibit E)

### Service:

- \$206,001 Land and Water Conservation Funds
- Property Stewardship Agreement among RCO, WRC, and the Service. (Exhibit D)
- Statutory Warranty Deed from WRC to Service, incorporating the

terms of the Deed of Right, but placed in abeyance so long as Service or any United States agency owns the Property.. (Exhibit F).

**First Closing: Transfer from Timber LLC to WRC and Imposition of Deed of Right.** At the first closing, which shall occur on the Closing Date, the following agreements shall become effective, and, if so noted, recorded with Pacific County:

- Bargain and Sale Deed from Timber LLC to WRC (Exhibit E), to be recorded.
- Deed of Right between RCO and WRC (Exhibit C), to be recorded.
- Property Stewardship Agreement among RCO, WRC, and the Service. (Exhibit D)

**Second Closing: Transfer from WRC to Service.** At the second closing, which shall also occur on the Closing Date, but later in time than the first closing, the following agreements shall become effective and, if so noted, recorded with Pacific County:

- Statutory Warranty Deed from WRC to Service, incorporating the terms of the Deed of Right, but placed in abeyance so long as Service or any United States agency owns the Property. (Exhibit E), to be recorded.

After recording documents as required above, Escrow shall (1) deliver to each Party copies of each document and (2) deliver the purchase price payable to Timber LLC, less its closing costs and related expenses payable by Timber LLC under its agreement with WRC, and deliver to WRC all funds, if any, remaining in escrow that were paid by WRC or for WRC as prepayments of estimated costs to cover closing that exceed the actual costs incurred..

#### **CONTINGENT NATURE OF CLOSINGS**

If any Party fails to deliver to Escrow the documents or funds as required above, or if any Party fails to close as required above, any other Party that has complied with its requirements under this Project Agreement shall have the right to terminate this Project Agreement, and, (a) if the failure(s) occurs prior to closing, refuse to move forward with closing(s), and/or (b) if the failure(s) occurs after closing, rescind any or all agreements or conveyances that have already closed and demand recordation of a suitable instrument(s) rescinding any instrument(s) already recorded. Upon termination of this Project Agreement, Escrow shall immediately return funds and executed documents to the Party that deposited them.

#### **RIGHTS AND OBLIGATIONS INCLUDE ENUMERATED DOCUMENTS**

All rights and obligations of the parties under this Project Agreement incorporate by reference

the terms of each of the exhibits enumerated above. In case of conflict, terms contained in recorded documents shall control over terms in unrecorded documents.

**AMENDMENTS TO AGREEMENT**

This Project Agreement shall not be changed or amended except by subsequent written agreement, executed by each Party affected by the change or amendment.

**FURTHER ASSURANCES AND COOPERATION**

The Parties shall execute and deliver all such further instruments and documents and take all such other actions as may reasonably be required to carry out the transactions contemplated in this Project Agreement and the documents enumerated herein, which cooperation shall include the duty to cooperate in the termination of this Project Agreement if requested in accordance with its terms.

**AGREEMENT CONTACTS**

The Parties will provide all written communications and notices under this Agreement to the mail address or the email address listed below if not both:

**PRINCIPAL CONTACTS**

The parties will provide all written communications and notices under this Agreement to either or both the mail address and/or the email address listed below:

	<b>Western Rivers Conservancy</b>	<b>U.S. Fish and Wildlife Service Program Contact, Pacific Region</b>	<b>RCO Program Contact</b>
Name & Title	Sue Doroff, President	Jackie Ferrier, Project Leader – Willapa National Wildlife Refuge Complex	Scott Robinson Deputy Director
Mailing Address	71 SW Oak St. 100 Portland, OR 97204	7112 67th Place Long Beach, WA 98631	Recreation and Conservation Office Natural Resources Building P.O. Box 40917 Olympia, WA 98504-0917
Phone	503-241-0151	360.642.3860	360.867.8784
Email	Sdoroff@westernrivers.org	Jackie_ferrier@fws.gov	<a href="mailto:scott.robinson@rco.wa.gov">scott.robinson@rco.wa.gov</a>
		<b>U.S. Fish and Wildlife Service Administrative</b>	<b>RCO Administrative Contact</b>

		<b>Contact, Pacific Region</b>	
Name & Title		Ivars Stolcers – Realty Officer	Marc Duboiski Salmon Section Manager
Mailing Address		Pacific Region Headquarters 911 NE 11th Avenue Portland, OR 97232	Recreation and Conservation Office Natural Resources Building P.O. Box 40917 Olympia, WA 98504-0917
Phone		503.231.2176	Phone 360.867.8646
Email		<a href="mailto:Ivars_stolcers@fws.gov">Ivars_stolcers@fws.gov</a> <a href="#">v</a>	<a href="mailto:marc.duboiski@rco.wa.gov">marc.duboiski@rco.wa.gov</a>

These addresses and contacts shall be effective until receipt by one party from the other of a written notice of any change.

**ENTIRE AGREEMENT**

This Project Agreement, with all amendments and attachments, constitutes the entire Project Agreement of the Parties. No other understandings, oral or otherwise, regarding this Project Agreement shall exist or bind any of the parties.

**EFFECTIVE DATE**

This Project Agreement shall be effective and binding on the date last signed by a Party (Effective Date).

**EXECUTION AND AUTHORITY**

The signatories listed below represent and warrant their authority to bind the parties to this Agreement.

STATE OF WASHINGTON, acting by and through THE WASHINGTON STATE SALMON RECOVERY FUNDING BOARD, administered by the WASHINGTON STATE RECREATION AND CONSERVATION OFFICE

By: \_\_\_\_\_

Name: Megan Duffy

Title: Director

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

Approved as to form:

**By:**

**Date:**

\_\_\_\_\_  
12/13/2023

Assistant Attorney General

STATE OF WASHINGTON )

) ss

COUNTY OF \_\_\_\_\_ )

I certify that I know or have satisfactory evidence that \_\_\_\_\_ is the person who appeared before me, and said person acknowledged that they signed this instrument, on oath stated that they were authorized to execute the instrument and acknowledge it as the \_\_\_\_\_ for the Recreation and Conservation Office and to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: \_\_\_\_\_

Signed: \_\_\_\_\_

Notary Public in and for the State of Washington,  
residing in \_\_\_\_\_.

My commission expires \_\_\_\_\_

\_\_\_\_\_  
REMAINDER OF PAGE IS INTENTIONALLY BLANK; ADDITIONAL SIGNATURE PAGE FOLLOWS







**EXHIBIT A-1**  
**Legal Description**

The Land referred to herein below is situated in the County of Pacific, State of Washington, and is described as follows:

TOWNSHIP 10 NORTH, RANGE 10 WEST, WILLAMETTE MERIDIAN

PARCEL 2 (PTN): (PTN APN 10101780000)

ALL THAT LAND SITUATED IN THE SOUTHEAST ONE QUARTER OF SECTION 17, TOWNSHIP 10 NORTH, RANGE 10 WEST, W.M., PACIFIC COUNTY, WASHINGTON, LYING SOUTH OF THE FOLLOWING DESCRIBED LINE:

BEGINNING AT A POINT ON THE EAST LINE OF SECTION 17 WHICH BEARS NORTH 3°30'42" EAST, 1756.63 FEET FROM THE SOUTHEAST CORNER OF SECTION 17;

THENCE NORTH 73°41'26" WEST A DISTANCE OF 155.62 FEET;

THENCE NORTH 76°41'10" WEST A DISTANCE OF 247.09 FEET;

THENCE NORTH 88°38'48" WEST A DISTANCE OF 124.50 FEET;

THENCE SOUTH 75°09'56" WEST A DISTANCE OF 159.34 FEET;

THENCE SOUTH 59°07'57" WEST A DISTANCE OF 190.36 FEET;

THENCE SOUTH 50°54'32" WEST A DISTANCE OF 253.82 FEET;

THENCE SOUTH 75°19'14" WEST A DISTANCE OF 623.33 FEET;

THENCE NORTH 86°11'48" WEST A DISTANCE OF 273.35 FEET;

THENCE NORTH 2°57'59" EAST A DISTANCE OF 308.22 FEET;

THENCE SOUTH 84°45'29" WEST A DISTANCE OF 129.89 FEET;

THENCE SOUTH 69°29'57" WEST A DISTANCE OF 412.43 FEET;

THENCE SOUTH 74°49'40" WEST A DISTANCE OF 277.22 FEET TO A POINT ON THE CENTERLINE OF SECTION 17 WHICH BEARS NORTH 3°05'00" EAST, 1399.35 FEET FROM THE SOUTH QUARTER CORNER OF SECTION 17.

BEARINGS ARE BASED ON WASHINGTON STATE PLANE COORDINATE SYSTEM, SOUTH ZONE, NAD83(2011)

CONTAINING 96 ACRES MORE OR LESS

PARCEL 4: (APN 10102016000 & APN 10102017000)

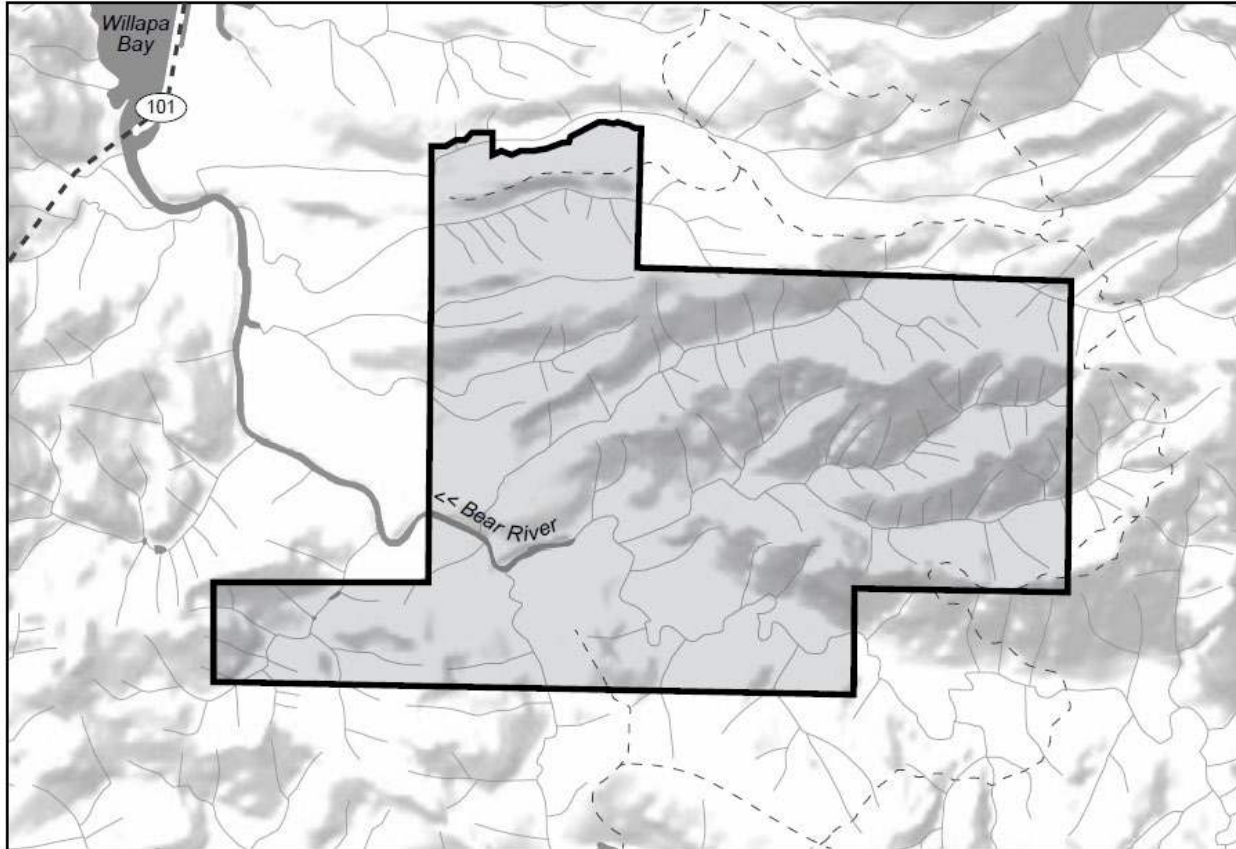
SECTION 20: NORTHEAST QUARTER; THE SOUTH HALF OF THE SOUTHWEST QUARTER; FRACTIONAL SOUTHEAST QUARTER

PARCEL 5: (APN 10102126000 & 10102110000)

SECTION 21: NORTH HALF; SOUTHWEST QUARTER; NORTH HALF OF THE SOUTHEAST QUARTER

**EXHIBIT A-2  
Property Map**

22-1803 Willapa Coastal Forest – Phase 1  
Western Rivers Conservancy  
Willapa Coastal Forest – Bear River  
November 1, 2023



-  Willapa Coastal Forest - Deed of Right Boundary
-  Major Road
-  Property Access Roads



**Exhibit B**  
**Memorandum of Option Agreement between Timber LLC and WRC**  
**MEMORANDUM OF EXCLUSIVE PURCHASE OPTION AGREEMENT**

FIA TIMBER GROWTH AND VALUE WASHINGTON, LLC, a Delaware limited liability company (the "Seller"); and WESTERN RIVERS CONSERVANCY, a nonprofit Oregon public benefit corporation (the "Buyer"), have entered into an Exclusive Purchase Option Agreement (the "Agreement"), wherein Seller has granted to Buyer the sole and exclusive option, exercisable during the Option Term defined in the Agreement, to purchase the property described on Exhibit A (the "Property") based upon the following terms:

Effective Date: March 17, 2022

Purchase Price: The *greater* of: (A) Appraised FMV as determined by a federally-approved appraisal and a Washington state approved appraisal, and if there is a difference between the federal and state appraisals as to value, then the lower value of the two appraised values shall be determinative; and (B) Ten Million Three Hundred Thousand Dollars (\$10,300,000.00).

Option Terms and Consideration

- Initial Option: Fifteen Thousand (\$15,000) (for first 90 days from Effective Date)
- First Extension Option: Ninety-Five Thousand (\$95,000) (to extend option to March 17, 2023), which extension was exercised by Buyer on June 14, 2022.
- Second Extension Option: Fifty Thousand (\$50,000) (to extend option to March 17, 2024), which extension was exercised by Buyer on March 7, 2023.
- As additional consideration Buyer also will assume liabilities as of the Closing Date on certain agreements related to the Property, all liabilities and obligations with respect to operation and ownership of the Property arising from and after the Closing Date, and any continuing forestland obligations (pursuant to Revised Code of Washington Section 76.09.370 and related regulations) relating to the Property that continue from and after the Closing Date.

Closing: If all extensions of options are used, Buyer must have exercised its Option on or before the last day of the Second Extension Option (March 17, 2024) which would require closing on or before May 16, 2024.

Certification: In addition to the terms set forth in the Agreement, Buyer and Seller each certify that: a) the Purchase Price shall be based upon the notice of just compensation established by an appraisal and confirmed by an appraisal review (unless the appraisal is less than \$10,300,000, in which case the Purchase Price will be \$10,300,000 regardless of the appraisal and notice of just compensation); b) Buyer is not committed to exercise its Option to purchase the Property if the Washington State Recreation and Conservation Office ("RCO") funding is not secured; c) if the closing occurs, all option consideration paid by Buyer is to be applied to the Purchase Price; and, d) so long as Buyer does not exercise the Option more than 20 days prior to the date that RCO issues an agreement for funding, Buyer will have at least 40 days beyond the date RCO issues an agreement for funding to close the purchase of the Property.

**Exhibit B**  
**Memorandum of Option Agreement between Timber LLC and WRC**  
**(continued)**

This Memorandum is being executed to give notice and describe the basic provisions of the Agreement and will not be deemed or construed to define, limit, or modify the Agreement in any manner.

*[Signature pages follow.]*

**Exhibit B**  
**Memorandum of Option Agreement between Timber LLC and WRC**  
**(continued)**

IN WITNESS, WHEREOF, each party hereto has caused this Memorandum of Agreement to be executed by a duly authorized representative as of the date set forth below.

**SELLER:**

**BUYER:**

FIA TIMBER GROWTH AND VALUE  
WASHINGTON, LLC, a Delaware limited  
liability company

WESTERN RIVERS CONSERVANCY, a  
nonprofit Oregon public benefit corporation

By: 

By:   
Sue Doroff, President

Date: May 31, 2023

Name: Michael P. Cerchiaro

Title: Executive Vice President

Date: May 31, 2023

**Exhibit B**  
**Memorandum of Option Agreement between Timber LLC and WRC**  
**(continued)**

**EXHIBIT A**  
**Legal Description**

The Land referred to herein below is situated in the County of Pacific, State of Washington, and is described as follows:

IN TOWNSHIP 10 NORTH, RANGE 10 WEST, WILLAMETTE MERIDIAN:

PARCEL 1: (APN 10100840000)  
SECTION 8: THE SOUTHEAST QUARTER

PARCEL 2: (APN 10101780000)  
SECTION 17: THE EAST HALF

PARCEL 3: (APN 10101919000)  
SECTION 19: THE WEST HALF OF THE NORTHEAST QUARTER; FRACTIONAL  
NORTHWEST QUARTER; FRACTIONAL NORTH HALF OF THE SOUTHWEST  
QUARTER; AND SOUTHEAST QUARTER

PARCEL 4: (APN 10102016000 & APN 10102017000)  
SECTION 20: NORTHEAST QUARTER; THE SOUTH HALF OF THE SOUTHWEST  
QUARTER; FRACTIONAL SOUTHEAST QUARTER

PARCEL 5: (APN 10102126000 & 10102110000)  
SECTION 21: NORTH HALF; SOUTHWEST QUARTER; NORTH HALF OF THE  
SOUTHEAST QUARTER

PARCEL 6: (APN 10102922000)  
SECTION 29: NORTHWEST QUARTER OF THE NORTHWEST QUARTER

IN TOWNSHIP 10 NORTH, RANGE 11 WEST, WILLAMETTE MERIDIAN:

PARCEL 7: (APN 10111310000)  
SECTION 13: NORTHEAST QUARTER; NORTH HALF OF THE SOUTHWEST  
QUARTER; NORTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST  
QUARTER; SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE  
SOUTHWEST QUARTER; SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER;  
THE SOUTHEAST QUARTER

**Exhibit C**  
**Bargain and Sale Deed from Timber LLC to WRC**

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AFTER RECORDING, RETURN TO:

Western Rivers Conservancy  
71 SW Oak Street, Suite 100  
Portland, OR 97204  
Attn: Sue Doroff

**BARGAIN AND SALE DEED**

Grantor:	<b>FIA TIMBER GROWTH AND VALUE WASHINGTON, LLC</b> , a Delaware limited liability company
Grantee:	<b>WESTERN RIVERS CONSERVANCY</b> , an Oregon nonprofit public benefit corporation
Abbreviated Legal Description:	SE 8-10-10; E1/2 17-10-10; W1/2NE, NW, N1/2 SW, SE 19-10-10; NE 20-10-10; SE, S1/2 SW, LOTS 04 TO 07 20-10-10; NE, SW, N1/2 SE 21-10-10; NW 21-10-10; NWNW 29-10-10; NE, S1/2 LESS TAX 1 13-10-11  Additional Legal Description is on <b>Exhibit A</b> of the Deed.
Assessor's Property Tax Parcel or Account Number(s):	APN: 10100840000; 10101780000; 10101919000; 10102016000; 10102017000; 10102126000; 10102110000; 10102922000; and 10111310000
Reference Number(s):	N/A

**BARGAIN AND SALE DEED - COVER PAGE**

121363999.2 0067129-00016



**Exhibit C**  
**Bargain and Sale Deed from Timber LLC to WRC**  
**(continued)**

**BARGAIN AND SALE DEED**

The Grantor, **FIA TIMBER GROWTH AND VALUE WASHINGTON, LLC**, a Delaware limited liability company, whose address is c/o Forest Investment Associates L.P., 15 Piedmont Center, Suite 1250, Atlanta, GA, 30305, for and in consideration of TEN AND NO/100 DOLLARS (\$10.00) in hand paid, bargains, sells and conveys to Grantee, **WESTERN RIVERS CONSERVANCY**, an Oregon nonprofit public benefit corporation, whose address is 71 SW Oak Street, Suite 100, Portland, OR 97204, the real estate situated in Pacific County, Washington, more particularly described on attached **Exhibit A** (the "**Property**").

The Property described herein is conveyed by Grantor and accepted by Grantee subject to, and excepting and excluding from the covenants described in RCW 64.04.040, those matters described on **Exhibit B** attached hereto.

Grantor does by these presents hereby covenant that against all persons whomsoever lawfully claiming or to claim by, through, or under said Grantor and not otherwise, it will forever warrant and defend the said described Property and does expressly limit the covenants of this bargain and sale deed to those herein expressed and excludes all other covenants arising or to arise by statutory or other implication.

By accepting this instrument, Grantee agrees to pay and be responsible for any ad valorem taxes which may hereafter be imposed on the Property by reason of the Property, or any part thereof, losing its current forestland classification and being reclassified for such tax purposes.

Grantor is conveying the Property by the tract or parcel only, it being understood and agreed by Grantee that the acreage of the Property is not guaranteed or warranted in any way by Grantor.

Dated: \_\_\_\_\_, 2024.

*[Signature and acknowledgement on following page]*

**BARGAIN AND SALE DEED**

121363999.2 0067129-00016



**Exhibit C  
Bargain and Sale Deed from Timber LLC to WRC  
(continued)**

**EXHIBIT A**

**Legal Description of Property**

The Property referred to herein below is situated in the County of Pacific, State of Washington, and is described as follows:

**TOWNSHIP 10 NORTH, RANGE 10 WEST, WILLAMETTE MERIDIAN**

PARCEL 1: (APN 10100840000)  
SECTION 8: THE SOUTHEAST QUARTER

PARCEL 2: (APN 10101780000)  
SECTION 17: THE EAST HALF

PARCEL 3: (APN 10101919000)  
SECTION 19: THE WEST HALF OF THE NORTHEAST QUARTER; FRACTIONAL NORTHWEST QUARTER; FRACTIONAL NORTH HALF OF THE SOUTHWEST QUARTER; AND SOUTHEAST QUARTER

PARCEL 4: (APN 10102016000 & APN 10102017000)  
SECTION 20: NORTHEAST QUARTER; THE SOUTH HALF OF THE SOUTHWEST QUARTER; FRACTIONAL SOUTHEAST QUARTER

PARCEL 5: (APN 10102126000 & 10102110000)  
SECTION 21: NORTH HALF; SOUTHWEST QUARTER; NORTH HALF OF THE SOUTHEAST QUARTER

PARCEL 6: (APN 10102922000)  
SECTION 29: NORTHWEST QUARTER OF THE NORTHWEST QUARTER

**TOWNSHIP 10 NORTH, RANGE 11 WEST, WILLAMETTE MERIDIAN**

PARCEL 7: (APN 10111310000)  
SECTION 13: NORTHEAST QUARTER; NORTH HALF OF THE SOUTHWEST QUARTER; NORTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER; SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER; SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER; THE SOUTHEAST QUARTER

**BARGAIN AND SALE DEED**

Exhibit A – Page 1 of 1

121363999.2 0067129-00016

**Exhibit C**  
**Bargain and Sale Deed from Timber LLC to WRC**  
**(continued)**

**EXHIBIT B**

**Title Exceptions**

1. Rights of way and easements for existing roads, railroads, utility lines, drainage canals, if any, and private ways running through or across the Property, and the rights of others in and to the use of same.
2. Liens for (a) current year real estate taxes, assessments and other governmental charges which are not yet due and payable, so long as current year taxes assessments and charges are prorated as of the date of Closing, and (b) all subsequent year real estate taxes, assessments, and governmental charges which are not yet due and payable.
3. All land use (including environmental and wetlands), building, forestry, and zoning laws, rules, regulations, codes and ordinances affecting the Property or the use thereof.
4. Any rights of the United States of America, of the State of Washington or any other parties whatsoever, in the use and continuous flow of any brooks, streams or other natural water courses or water bodies within, crossing or abutting the Property, including, without limitation, riparian rights and navigational servitudes, or to the beds and banks of such water courses below the ordinary high-water mark thereof.
5. Title to that portion of the Property, if any, lying below the mean high-water mark of abutting waters.
6. All encroachments, overlaps, boundary line disputes, shortages in area, cemeteries and burial grounds and other matters (including easements, rights-of-way and licenses) which would be disclosed by a current and accurate survey or inspection of the Property.
7. Reservations or conveyances of mineral rights or mineral leases of every kind and character, and all outstanding mineral leases not granted or reserved by Seller.
8. The rights of counterparties under unrecorded Assigned Agreements or Permits to be assigned by Seller to Buyer.
9. All electric power, telephone, gas, sanitary sewer, storm sewer, water and other utility lines on, over or under the Property together with easements and prescriptive rights for same.
10. All water districts, water rights, restrictions or reservations outstanding in third parties.
11. Indian treaty or aboriginal rights, including easements and equitable servitudes.
12. Reservations in federal patents and acts authorizing the same.

**BARGAIN AND SALE DEED**

Exhibit B – Page 1 of 5

121363999.2 0067129-00016

**Exhibit C**  
**Bargain and Sale Deed from Timber LLC to WRC**  
**(continued)**

13. Possible additional taxes and penalties that may be assessed if the Property is disqualified for special assessment on the basis of forestland or farmland use.
14. Any loss or claim due to a lack of legal access to all or any portion of the Property.
15. Liens or encumbrances affecting the Property created or suffered by Buyer.
16. Rights to and/or interests in all oil, gas and other minerals or other substances of any kind or character and mineral rights as may have been previously reserved by or conveyed to others and any leases concerning any such oil, gas, other minerals or other substances in, on or under the Property.
17. Aboriginal rights of Native Americans, including but not limited to rights to protect sacred sites and burial grounds, as well as hunting and fishing rights.
18. Rights of the public in and to that portion of the Property lying within any public road, street, alley or highway.
19. Water rights, claims to water or title to water, whether or not such rights are a matter of public record.
20. Any claim that any portion of the Property is below the ordinary high water mark where it was located prior to any artificial or avulsive changes in the location of the shoreline or riverbank.
21. Lien of the real estate excise sales tax and surcharge upon any sale of said Property, if unpaid.
22. The Property described herein has been classified on the tax rolls as forest land pursuant to RCW 84.33, and the timber located thereon is not taxed as real property but will be subject to collection of a tax upon harvesting hereof. In the event that said Property is removed from its present designation as forest land it may become liable to assessment of a compensating tax for prior years.  
  
Any sale or transfer of said Property requires completion of a forest management plan and submission to the county assessor at the time of the sale requesting that the classification be continued.
23. Any claim to (a) ownership of or rights to minerals and similar substances, including but not limited to ores, metals, coal, lignite, oil, gas uranium, clay, rock, sand, and gravel located in, on, or under the Property or produced from the Property, whether such ownership or rights arise by lease, grant, exception, conveyance, reservation, or otherwise; and (b) any rights, privileges, immunities, rights of way, and easements

**BARGAIN AND SALE DEED**

Exhibit B – Page 2 of 5

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**Exhibit C**  
**Bargain and Sale Deed from Timber LLC to WRC**  
**(continued)**

associated therewith or appurtenant thereto, whether or not the interests or rights excepted in (a) or (b) appear in the Public Records.

24. Easement, including terms and provisions contained therein:  
Recorded: July 26, 1934  
Recording No.: [Volume 110, Page 575](#)  
In favor of: West Coast Power Company, as the successor in interest of the West Coast Hydro-Electric Corporation, a Delaware corporation
25. Easement, including terms and provisions contained therein:  
Recorded: January 21, 1975  
Recording No.: [Volume 274, Page 355](#)  
In favor of: United States of America
26. Easement, including terms and provision contained therein:  
Recorded: May 9, 1978  
Recording No.: [Volume 7805, Page 215](#)  
In favor of: Weyerhaeuser Company  
For: Roads
27. Easement, including terms and provisions contained therein:  
Recorded: August 15, 1980  
Recording No.: [Volume 8008, Page 332](#)  
In favor of: Riekkola and Sons Inc., a Washington corporation
28. Easement, including terms and provisions contained therein:  
Recorded: August 15, 1980  
Recording No.: [Volume 8008, Page 379](#)  
In favor of: Riekkola and Sons Inc., a Washington corporation
29. Easement, including terms and provisions contained therein:  
Recorded: January 11, 1982  
Recording No.: [Volume 8201, Page 178](#)  
In favor of: Crown Zellerbach Corporation, a Nevada corporation
30. Easement, including terms and provisions contained therein:  
Recorded: March 31, 1986  
Recording No.: [Volume 8603, Page 777](#)  
In favor of: Crown Zellerbach Corporation, a Nevada corporation
31. Easement, including terms and provisions contained therein:  
Reserving Minerals  
Reserved by: Weyerhaeuser Company, a Washington corporation

**BARGAIN AND SALE DEED**

Exhibit B – Page 3 of 5

121363999.2 0067129-00016

**Exhibit C**  
**Bargain and Sale Deed from Timber LLC to WRC**  
**(continued)**

- Recorded: March 8, 1990  
Recording No.: [Volume 9003, Page 258](#)
32. Easement, including terms and provisions contained therein:  
Recorded: March 8, 1990  
Recording No.: [Volume 9003, Page 258](#)  
In favor of: Weyerhaeuser Company, a Washington corporation
33. Easement, including terms and provisions contained therein:  
Recorded: March 8, 1990  
Recording No.: [Volume 9003, Page 307](#)
34. Easement, including terms and provisions contained therein:  
Recorded: June 1, 1990  
Recording No.: [Volume 9006, Page 77](#)  
In favor of: United States of America, Department of Energy, Bonneville Power Administration
35. Easement, including terms and provisions contained therein:  
Recorded: April 2, 1992  
Recording No.: [Volume 9204, Page 80](#)  
In favor of: Sam S. Tsai
36. Assignment and Assumption Agreement for Access Rights and the terms and conditions thereof:  
Between: Lincoln Timber LLC, a Delaware limited liability company  
And: Pacific Timber Acquisitions LLC, a Delaware limited liability company  
Recorded: November 15, 2002  
Recording Nos.: [3057751](#) and [3057752](#)
37. Easement, including terms and provisions contained therein:  
Recorded: February 15, 2008  
Recording No.: [3109774](#)  
In favor of: Public Utility District No. 2, of Pacific County, a municipal corporation
38. Lease and the Terms and Conditions Thereof as Disclosed by Memorandum of Lease.  
Lessor: Rayonier TRS West Timber, LLC, a Delaware limited liability company  
Lessee: Verizon Wireless (VAW) LLC d/b/a Verizon Wireless  
Dated: March 10, 2009  
Recorded: April 14, 2009

**BARGAIN AND SALE DEED**

Exhibit B – Page 4 of 5

121363999.2 0067129-00016

**Exhibit C**  
**Bargain and Sale Deed from Timber LLC to WRC**  
**(continued)**

Recording No.: [3118825](#)

39. Easement, including terms and provisions contained therein:  
Recorded: October 22, 2013  
Recording No.: [3148700](#)  
In favor of: Public Utility District No. 2 of Pacific County
40. Conditions, notes, easements, provisions and/or encroachments contained and/or delineated on the face of the Survey recorded under Recording No. [3125250](#) in Volume 23 of Surveys at Page(s) 78 in Pacific County, Washington.
41. Conditions, notes easements, provisions and/or encroachments contained and/or delineated on the face of the Survey recorded under Recording NO. [3133827](#) in Volume 24 of Surveys at Page(s) 49&50 in Pacific County, Washington.
42. Conditions, notes, easements, provisions and/or encroachments contained and/or delineated on the face of the Survey recorded under Recording No. [3138168](#) in Volume 24 of Surveys at Page(s) 195 in Pacific County, Washington.
43. Rights of the general public to the unrestricted use of all the waters of a navigable body of water not only for the primary purpose of navigation, but also for corollary purposes; including (but not limited to) fishing, boating, bathing, swimming, water skiing and other related recreational purposes, as those waters may affect the tidelands, shorelands or adjoining uplands and whether the level of the water has been raised naturally or artificially to a maintained or fluctuating level, all as further defined by the decisional law of the state. (Affects all of the Property subject to such submergence)

**BARGAIN AND SALE DEED**

Exhibit B – Page 5 of 5

121363999.2 0067129-00016



**Exhibit D  
Deed of Right between RCO and WRC**

Upon Recording, Please Return To:  
Washington State Recreation and Conservation Office  
PO Box 40917  
Olympia, WA 98504-0917  
Attn: Elizabeth Butler

**DEED OF RIGHT TO USE LAND FOR  
SALMON RECOVERY PURPOSES**

**Willapa Coastal Forest Property**

Grantor: Western Rivers Conservancy

Grantee: STATE OF WASHINGTON, acting by and through the WASHINGTON STATE SALMON RECOVERY FUNDING BOARD and the WASHINGTON STATE RECREATION AND CONSERVATION OFFICE (RCO), including any successor agencies.

Abbreviated Legal Description:	PTN SE¼ 10-10-17; NE 10-10-20; S½ SW; PTN SE 10-10-20; N½; SW; N½ SE 10-10-21; (More particularly described in Exhibit "A" (Legal Description), and as depicted in Exhibit "B" (Property Map)),
Assessor's Property Tax Parcel Number(s):	PTN of 10-10-17-80000; 10-10-20-16000; 10-10-20-17000; and 10-10-21-26000; 10-10-21-10000.

The Grantor enters this Deed for and in consideration of grant funding coming in whole or in part from the State Building Construction Account – Large Project Supplemental Salmon

**Exhibit D**  
**Deed of Right between RCO and WRC**  
**(continued)**

Recovery Funding Board Account. Such grant and this Deed are made pursuant to the Grant Agreement entered into between the Grantor and the Grantee entitled Willapa Coastal Forest – Phase I, Project Number 22-1803 signed by the Grantor on the 29<sup>th</sup> day of March, 2023 and the Grantee on the 30<sup>th</sup> day of March, 2023 and supporting materials which are on file with the Grantor and the Grantee in connection with the Grant Agreement.

Subject only to the terms set forth herein, the Grantor hereby conveys and grants to the Grantee as the representative of the people of the State, the right to enforce the following duties:

1. The Grantor shall take such reasonable and feasible measures as are necessary to protect the Real Property as described in Exhibit A: Legal Description, in perpetuity. Such measures shall be consistent with the purposes in the Grant Agreement, including protecting, preserving, restoring and/or enhancing the habitat functions on the Real Property, which includes estuary, instream, riparian, wetland, and upland. This habitat supports or may support priority species or groups of species including but not limited to Chinook, Coho, and Chum salmon; Steelhead and Searun Cutthroat trout; and Lamprey.
2. The Grantor shall allow public access to the Property as provided in the Grant Agreement. Such access shall be subject to the restrictions allowed under the Grant Agreement, by written agreement between the Grantee and Grantor, or under state law.
3. Public access may be limited as necessary for safe and effective management of the property consistent with salmon recovery purposes, but only by written approval of the RCO or funding board.
4. The Grantor shall allow access by the Grantee to inspect the Real Property for compliance with the terms of this Deed and the applicable Grant Agreement to which the Grantor is a signatory. Such access shall be subject to the restrictions, if any, allowed under the Grant Agreement, by written agreement with the Grantee, or under state law. The Grantor warrants it has and shall maintain the legal right and means to reach the property.
5. Without prior written consent by the Grantee or its successors, through an amendment to the Grant Agreement or the process set forth below, the Grantor shall not use or allow any use of the Real Property (including any part of it) that is inconsistent with the salmon recovery grant purposes herein granted and as stated in the Grant Agreement. The Grantor shall also not grant or suffer the creation of any property interest that is inconsistent with the salmon recovery grant purposes herein granted and as stated in the Grant Agreement or otherwise approved in writing by the RCO or funding board.



**Exhibit D**  
**Deed of Right between RCO and WRC**  
**(continued)**

Grantee's consent to an inconsistent use or property interest under this Deed shall be granted only to the extent permitted by law and upon the following conditions, which ensure the substitution of other eligible land. The conditions are: (1) the substitute salmon recovery land must be of reasonably equivalent habitat qualities, characteristics and location for the salmon recovery purposes as the Real Property prior to any inconsistent use; (2) the substitute salmon recovery land must be of at least equal fair market value to the Real Property at the time of Grantee's consent to the inconsistent use. The fair market value of the Real Property at the time of the Grantee's consent to the inconsistent use shall not take into consideration any encumbrances imposed on or alterations made to that land as a result of the original state grant and other grants if such encumbrances or alterations reduce the value of the Real Property from what it would be without them.

For purposes of this Deed, the Grant Agreement includes any amendments thereto that occurred prior to or may occur subsequent to the execution of this Deed.

This Deed contains covenants running with the land and shall be binding upon the Grantor and, except as specifically set forth herein, its successors and assigns and upon any person acquiring the Property, or any portion thereof, or any interest therein, including a leasehold interest, whether by operation of law or otherwise. If the Grantor sells all or any portion of its interest, the new owner of the Property or any portion thereof (including, without limitation, any owner who acquires its interest by foreclosure, trustee's sale or otherwise) shall be subject to applicable covenants and requirements under the Deed; provided, however, that notwithstanding the above, during such time as the United States (to include but not be limited to the United States Fish & Wildlife Service (Service)) owns the Property, this Deed and its covenants and requirements shall not apply to or be enforceable against the United States; provided, further, that this Deed and its covenants and requirements shall fully apply to any entity acquiring the Property from the United States (to include but not be limited to acquisition from the Service).

This Deed may not be removed or altered from the Real Property, or the Real Property further encumbered, or any property rights in or appurtenant to the Real Property transferred or sold, unless specific written approval has been granted by RCO and/or the Washington State Salmon Recovery Funding Board or its successors.

Except as specifically set forth herein, No sale or transfer of the Real Property including less than fee conveyance of property interest, or changes to this Deed, shall be made without the written approval of the RCO. Any such sale or transfer of any property interest or rights in the Real Property, or changes to this Deed, or the recording of any encumbrance, covenant, etc. upon the Real Property shall be void when made unless approved in writing by RCO and made part of the Grant Agreement by amendment. Provided, however, that the restrictions and requirements set forth in this paragraph shall not apply to or be enforceable against the United States; instead, as between RCO and the United States, the terms of the Stewardship Agreement, a copy of which is attached hereto as Exhibit C, shall control.



**Exhibit D  
Deed of Right between RCO and WRC  
(continued)**

The Washington State Recreation and Conservation Office and the Washington State Salmon Recovery Funding Board and/or its successors shall each have a separate and independent right to enforce the terms of this Deed.

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**Exhibit D  
Deed of Right between RCO and WRC  
(continued)**

**EXHIBIT A  
Legal Description**

The Land referred to herein below is situated in the County of Pacific, State of Washington, and is described as follows:

TOWNSHIP 10 NORTH, RANGE 10 WEST, WILLAMETTE MERIDIAN

PARCEL 2 (PTN): (PTN APN 10101780000)

ALL THAT LAND SITUATED IN THE SOUTHEAST ONE QUARTER OF SECTION 17, TOWNSHIP 10 NORTH, RANGE 10 WEST, W.M., PACIFIC COUNTY, WASHINGTON, LYING SOUTH OF THE FOLLOWING DESCRIBED LINE:

BEGINNING AT A POINT ON THE EAST LINE OF SECTION 17 WHICH BEARS NORTH 3°30'42" EAST, 1756.63 FEET FROM THE SOUTHEAST CORNER OF SECTION 17;

THENCE NORTH 73°41'26" WEST A DISTANCE OF 155.62 FEET;

THENCE NORTH 76°41'10" WEST A DISTANCE OF 247.09 FEET;

THENCE NORTH 88°38'48" WEST A DISTANCE OF 124.50 FEET;

THENCE SOUTH 75°09'56" WEST A DISTANCE OF 159.34 FEET;

THENCE SOUTH 59°07'57" WEST A DISTANCE OF 190.36 FEET;

THENCE SOUTH 50°54'32" WEST A DISTANCE OF 253.82 FEET;

THENCE SOUTH 75°19'14" WEST A DISTANCE OF 623.33 FEET;

THENCE NORTH 86°11'48" WEST A DISTANCE OF 273.35 FEET;

THENCE NORTH 2°57'59" EAST A DISTANCE OF 308.22 FEET;

THENCE SOUTH 84°45'29" WEST A DISTANCE OF 129.89 FEET;

THENCE SOUTH 69°29'57" WEST A DISTANCE OF 412.43 FEET;

THENCE SOUTH 74°49'40" WEST A DISTANCE OF 277.22 FEET TO A POINT ON THE CENTERLINE OF SECTION 17 WHICH BEARS NORTH 3°05'00" EAST, 1399.35 FEET FROM THE SOUTH QUARTER CORNER OF SECTION 17.

BEARINGS ARE BASED ON WASHINGTON STATE PLANE COORDINATE SYSTEM, SOUTH ZONE, NAD83(2011)

CONTAINING 96 ACRES MORE OR LESS

PARCEL 4: (APN 10102016000 & APN 10102017000)

SECTION 20: NORTHEAST QUARTER; THE SOUTH HALF OF THE SOUTHWEST QUARTER; FRACTIONAL SOUTHEAST QUARTER

PARCEL 5: (APN 10102126000 & 10102110000)

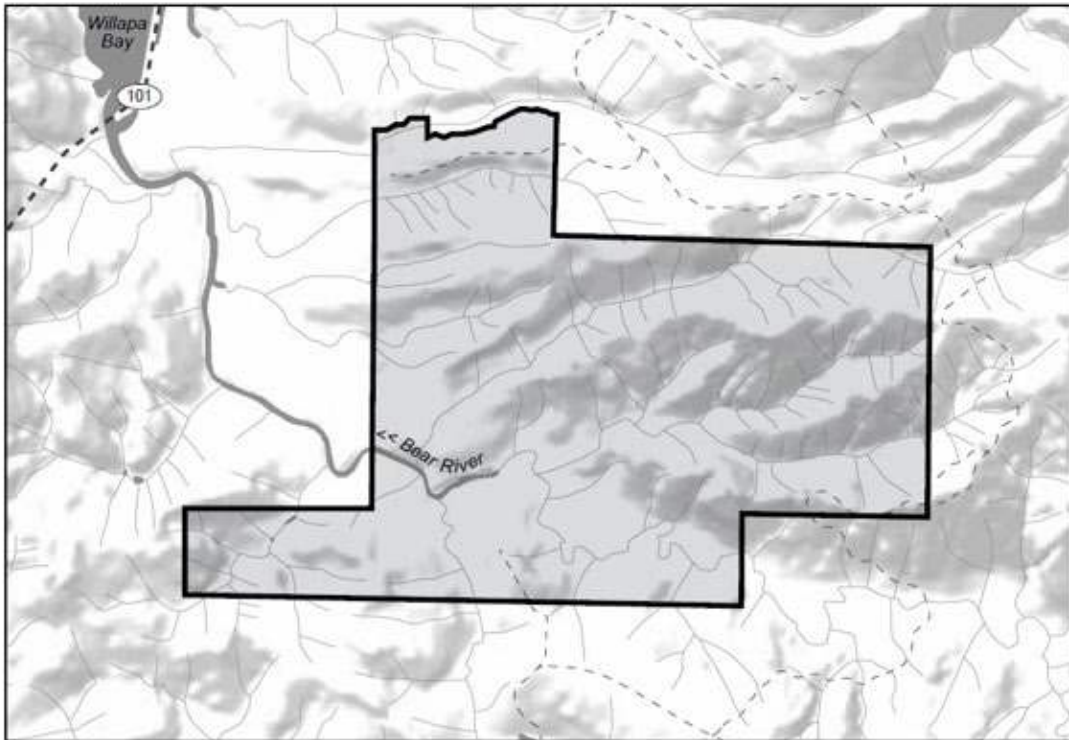
SECTION 21: NORTH HALF; SOUTHWEST QUARTER; NORTH HALF OF THE SOUTHEAST QUARTER






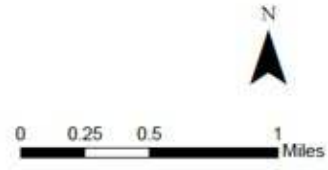
**Exhibit D  
Deed of Right between RCO and WRC  
(continued)**

**EXHIBIT B  
Property Map**

22-1803 Willapa Coastal Forest – Phase 1  
Western Rivers Conservancy  
Willapa Coastal Forest – Bear River  
November 1, 2023



-  Willapa Coastal Forest - Deed of Right Boundary
-  Major Road
-  Property Access Roads





**Exhibit D  
Deed of Right between RCO and WRC  
(continued)**

**EXHIBIT C  
Stewardship Agreement**

(Signed copy of Stewardship Agreement to be added by escrow company  
before recording Deed of Right)



**Exhibit E**  
**Property Stewardship Agreement among RCO, WRC, and the Service**

(will be added as to form)

**Exhibit F**  
**Statutory Warranty Deed from WRC to USFWS**

(Signed document to be added by escrow company before closing)

When Recorded Mail Deed:  
United States Department of Interior  
U.S. Fish and Wildlife Service  
911 N.E. 11<sup>th</sup> Avenue  
Portland, OR 97232-4181

**WARRANTY DEED**

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Abbreviated Legal: PT 10-10-08; PT 10-10-17; PT 10-10-19; PT 10-10-20; PT 10-10-21;  
PT 10-10-29; PT 10-11-13

Assessors Parcel Numbers: 10-10-08-040000, 10-10-17-80000, 10-10-19-190000, 10-10-20-16000, 10-10-20-17000, 10-10-21-26000, 10-10-21-10000, 10-10-29-22000, 10-11-13-10000

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This **STATUTORY WARRANTY DEED** is made this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_, by and between, **WESTERN RIVERS CONSERVANCY**, an Oregon nonprofit public benefit corporation, hereinafter called the "**Grantor**," and the **UNITED STATES**, acting through the U.S. Fish and Wildlife Service, hereinafter called the "**United States**".

**WITNESSETH:**

**WHEREAS**, Grantor is the owner of certain real property in Pacific County, Washington, more particularly described on **Exhibit A** hereto (the "**Property**"); and

**WHEREAS**, Grantor intends, as owner of the Property, to convey to the United States the fee title to the Property; and

**NOW THEREFORE:** Grantor, for Seven Million One Hundred Fifty-Six Thousand and no/100 Dollars (\$7,156,000), received by the Grantor in hand, paid by the United States, the receipt of which is hereby acknowledged, does hereby convey and warrant to United States all rights, title, and interest in the Property situated in Pacific County, Washington, subject to the Washington State Recreation and Conservation Office's Deed of Right to Use Land for Salmon Recovery Purposes, recorded on \_\_\_\_\_ under doc. No. \_\_\_\_\_, which is placed in abeyance for as long as the United States owns the Property, as detailed in the Deed of Right, and to those express liens, claims, or encumbrances shown of record.

**TO HAVE AND TO HOLD**, the herein described estate in land and rights unto the United States, its successors or assigns forever. Grantor covenants and warrants that it is lawfully seized and possessed of the real property aforesaid and has the full right, power, and authority to

execute this conveyance, and that said real property is free and clear of liens, claims, or encumbrances, except as shown of record, and that it will defend the title to the real property conveyed herein and quiet enjoyment thereof against the lawful claims and demands of all persons. The Grantor covenants for itself and its successors in interest that it will warrant and defend unto the United States the quiet and peaceable use and enjoyment of this land against all claims and demands.

The acquiring agency is the United States Department of the Interior, U.S. Fish and Wildlife Service.

*(signature page follows)*



## Legal Description of Property

(36,a,b,c,R)

The following described tract of land is located in Pacific County, Washington, situate approximately 3.5 miles east of Long Beach, Washington, and being a portion of the lands described in Bargain and Sale Deed from RAYONIER WASHINGTON TIMBER COMPANY to FIA TIMBER GROWTH AND VALUE WASHINGTON, LLC recorded May 27, 2016, under record number 3165964, records of Pacific County, Washington; said tract more particularly described as follows:

TOWNSHIP 10 NORTH, RANGE 10 WEST, WILLAMETTE MERIDIAN:

Section 8; SE1/4.

Section 17; E1/2.

Section 20; NE1/4, S1/2SW1/4, Fractional SE1/4.

Section 21; N1/2, SW1/4, N1/2SE1/4.

Section 29; NW1/4NW1/4.

TOWNSHIP 10 NORTH, RANGE 11 WEST, WILLAMETTE MERIDIAN:

Section 13; NE1/4, N1/2SW1/4; N1/2SW1/4SW1/4; SE1/4SW1/4SW1/4, SE1/4SW1/4, SE1/4.

TOWNSHIP 10 NORTH, RANGE 10 WEST, WILLAMETTE MERIDIAN:

Section 19; W1/2NE1/4, Fractional NW1/4, Fractional N1/2SW1/4, SE1/4;

AND TOGETHER with the right to use the existing 60-foot road (aka (30R1, 38R4) beginning in the NW1/4NW1/4 section 19, T10N, R10W, WM at the northwest right-of-way of State Route 101; thence northwesterly approximately 0.33 miles to the west line of T10N, R10W.

EXCEPTING A parcel of land located in Pacific County, Washington 2.0 acres, more or less, being described as follows:

That portion of "Parcel 3" as described in that document recorded May 27, 2016, under Auditor's File Number 3165964, records of Pacific County, Washington, located in the Northwest Quarter of the Northwest Quarter of Section 19, Township 10 North, Range 10 West, of the Willamette Meridian, Pacific County, Washington, described as follows:

COMMENCING at a 3-1/4" aluminum cap stamped "Cathlamet Timber Co LLC LS#35153" marking the Northwest corner of said Section 19 as shown under Book 16 of Surveys at Page 38 records of Pacific County Auditor;

THENCE South 85°16'02" East, along the North line of said Section 19, towards a 3" brass cap stamped "1977" marking the North quarter of said Section 19, a distance of 409.58 feet to the TRUE POINT OF BEGINNING;

THENCE continuing South 85°16'02" East along the North line of said Section 19 a distance of 250.16 feet;  
THENCE South 02°40'12" West a distance of 396.01 feet;  
THENCE North 63°16'50" West a distance of 62.73 feet;  
THENCE North 70°24'54" West a distance of 75.63 feet;  
THENCE North 63°27'21" West a distance of 44.39 feet;  
THENCE North 46°45'24" West a distance of 41.74 feet;  
THENCE North 36°19'04" West a distance of 47.16 feet;  
THENCE North 31°36'50" West a distance of 32.64 feet;  
THENCE North 02°40'12" East a distance of 248.70 feet to the North line of said Section 19 and the TRUE POINT OF BEGINNING.

SUBJECT TO easements, restrictions, and encumbrances as described under Exhibit "B" recorded under Auditor's File Number 3165964, records of Pacific County Auditor.

**RCO Project Number:** 22-1803A**SRFB Sponsor/Project Partner:** Western Rivers Conservancy**Project Title:** Willapa Coastal Forest – Ph I**Property Project Agreement Date:** December 13, 2023

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**Property Stewardship Agreement**

between the

**U.S. Department of Interior Fish and Wildlife Service, Pacific Region**

and the

**Washington State Recreation and Conservation Office****PARTIES TO THE STEWARDSHIP AGREEMENT**

This Property Stewardship Agreement (Stewardship Agreement) is entered into by and between the Recreation and Conservation Office (RCO), as part of its duty to administer programs of the Salmon Recovery Funding Board (SRFB) and the State of Washington under RCW 77.85, 79A.25, 79A.15.2, acting by and through its Director, and the U.S. Department of Interior Fish and Wildlife Service, Pacific Region, (Service) acting by and through the Regional Director, under the Fish and Wildlife Coordination Act, 16 U.S.C. 661-666(e), and the National Wildlife Refuge Administration Act, 16 USC 668dd.

**EFFECTIVE DATE**

This Stewardship Agreement shall be effective upon the Service taking title to the Property, as described in Exhibit A.

**STANDARD TERMS AND EXHIBITS INCORPORATED HEREIN**

The Recitals, Standard Terms and Conditions, and Exhibits (below) are incorporated and made part of this Stewardship Agreement and shall be binding on the parties.

**RECITALS:**

Whereas, the Service is acquiring the Property from Western Rivers Conservancy (WRC).

Whereas, WRC acquired the Property as a Project Sponsor with funds provided, in part, by the Salmon Recovery Funding Board (SRFB) of the State of Washington as part of a SRFB grant administered by RCO. WRC, pursuant to the SRFB grant conditions, entered into a Deed of Right recorded as Document Number \_\_\_\_\_ (Deed of Right) that ordinarily runs with the land, obligating the owner of the Property to comply with specific conservation-based requirements enumerated in the Deed of Right.

Whereas, the Revised Code of Washington 77.85.130(7) states that: “Property acquired or improved by a project sponsor may be conveyed to a federal agency if: (a) The agency agrees to comply with all terms of the grant or loan to which the project sponsor was obligated; or (b) the board approves: (i) Changes in the terms of the grant or loan, and the revision or removal of binding deed of right instruments; and (ii) a memorandum of understanding or similar



document ensuring that the facility or Property will retain, to the extent feasible, adequate habitat protections; and (c) the appropriate legislative authority of the county or city with jurisdiction over the project area approves the transfer and provides notification to the board,”

Whereas, the Service is an agency of the United States, and the Parties have agreed to proceed under RCW 77.5.130(7)(b) by tolling this Deed of Right and substituting this Stewardship Agreement, so long as the Property remains in United States government ownership. Should the United States transfer ownership to a non-United States party, the Deed of Right shall reattach to the Property and be enforceable upon conveyance from United States ownership and this Stewardship Agreement shall cease to be in effect.

Whereas the Service has reviewed this Stewardship Agreement and agrees to and accepts the conditions set forth herein, and further agrees to monitor and steward the Property to ensure the Property functions to protect and support salmonids and compatible public outdoor recreation in perpetuity, unless those requirements are later modified under the terms of this Stewardship Agreement.

Whereas, the RCO staff reviewed this Stewardship Agreement and determined all applicable criteria were addressed.

Whereas, the Assistant Attorney General for the RCO reviewed the WRC Deed of Right and this Stewardship Agreement and determined that both are ready to present to the SRFB.

Whereas, this Stewardship Agreement meets some of the SRFB policy requirements of the SRFB.

### **SIGNATURE AUTHORITY**

The RCO Director is authorized to sign this Stewardship Agreement on behalf of the people of the State of Washington.

The Service’s signatory to this Stewardship Agreement is authorized via

\_\_\_\_\_

### **PURPOSE OF STEWARDSHIP AGREEMENT**

The purpose of this Stewardship Agreement is to serve as a substitute for the Deed of Right \_\_\_\_\_ provided to Western Rivers Conservancy and to set out the terms and conditions for the Stewardship of the Property conveyed to the United States in perpetuity.

### **PROPERTY**

Abbreviated	PTN SE $\frac{1}{4}$ 10-10-17; NE 10-10-20; S $\frac{1}{2}$ SW; PTN SE 10-10-20; N $\frac{1}{2}$ ; SW; N $\frac{1}{2}$ SE 10-10-21;
Description:	(More particularly described in Exhibit “A” (Legal Description),

and as depicted in Exhibit “B” (Property Map)),

Assessor’s Property      PTN of 10-10-17-80000; 10-10-20-16000; 10-10-20-17000; 10-  
Tax Parcel Number(s):    10-21-26000; 10-10-21-10000.

### **MUTUAL PURPOSE AND BENEFIT**

The Service is responsible for managing salmon habitat conservation and restoration, and compatible recreation on the Property as part of and in benefit to the United States’ system of Wildlife Refuges.

The RCO and the Service mutually desire to use the Property to expand the Refuge thereby adding, conserving, and improving salmon habitat while providing compatible recreation opportunities to the public. Both parties agree that such use of the Property is in the public interest and is in keeping with the statutory authorities of each.

### **PURPOSE OF THE PROPERTY**

The Service will manage the Property to permanently protect, preserve, restore and/or enhance habitat functions on 1,039 acres which includes estuary, instream, riparian, wetland, and forested upland in Water Resource Inventory Area 24, in Pacific County, as part of the Refuge (NWR). As part of the NWR, the Property will be publicly available with environmental education, interpretation, and wildlife viewing as the primary recreation opportunities.

### **RIGHTS AND OBLIGATIONS**

Rights and obligations of the parties under this Stewardship Agreement shall be interpreted to be consistent with WRC’s application for the SRFB grant, the Project summary, and eligible scope activities under which this Stewardship Agreement was approved and/or amended. If information contained in such documents is irreconcilably in conflict with the Stewardship Agreement, such information shall not be used to vary the terms of the Stewardship Agreement, unless the terms in the Stewardship Agreement are shown to be subject to an unintended error or omission. The rights and obligations of this Stewardship Agreement shall apply to any agency of the United States owning the Property.

### **SCOPE OF WORK**

Subject to the limits of the Anti-Deficiency Act, 31 USC 1341, the Service shall:

#### ***Plan for Property Stewardship***

Provide the labor, materials, and resources necessary to administer the Project consistent with the Services management plans, regulations, and guidance applicable to the Refuge as of the effective date of this Stewardship Agreement, or amended plans, regulations and guidance only if the amendments are more protective of the Refuge environment than currently in place.

Include RCO among the stakeholders who are provided with notice of public comment opportunities related to the Willapa National Wildlife Refuge. These opportunities for comment may include: a) updates to management plans and restoration strategies for salmon habitat; b) updated and/or amended refuge management plans affecting the Property; and c) salmon recovery and habitat restoration opportunities resulting from such changes.

***Protect and Conserve the Property***

Ensure the Property is maintained in perpetuity consistent with the requirements of this Stewardship Agreement and applicable RCO guidance documents, so long as those requirements are consistent with the regulations governing the National Wildlife Refuge System.

Agree that the RCO and the SRFB and/or their successors shall have a separate and independent right to enforce the terms of this Stewardship Agreement.

Allow the RCO access to the Property to inspect the Property for compliance with the terms of this Stewardship Agreement.

Secure prior written consent from the RCO or its successors, through an amendment to this Stewardship Agreement, to use or allow any use of the Property inconsistent with this Stewardship Agreement. Inconsistent use of the Property shall be granted only to the extent permitted by law.

Respond to RCO's identification of any uses of the Property inconsistent with this Stewardship Agreement.

**COMPLIANCE AND CONVERSION**

If the Service, or any United States agency owning the Property, does not manage the Property consistent with the terms of this Stewardship Agreement, and cannot or fails to cure any inconsistent use, the RCO may seek injunctive relief and the Service represents that such injunctive relief may be enforceable against it (including but not limited to specific performance of this Stewardship Agreement). As an alternative to injunctive relief, the Service (or the United States agency then owning the Property) may, subject to the requirements of 16 USC 668dd(b)(3) and with notification to RCO, provide a replacement Property of equivalent size, value, and utility, which Property shall be made subject to this Stewardship Agreement.

**GOVERNING LAW/VENUE**

Because the United States is a party to this Stewardship Agreement through the Service, this Stewardship Agreement shall be construed and interpreted in accordance with the laws of the United States and, where applicable and not in conflict, the laws of the State of Washington. In the event of a lawsuit involving this Stewardship Agreement, venue shall be in the United States

District Court for the Western District of Washington if legally proper, or if such venue is not legally proper, in a different United States District Court or the Court of Federal Claims if legally proper, or if such venue is not legally proper, in any court with appropriate jurisdiction.

**COMMUNICATION BETWEEN THE PARTIES**

Issues requiring formal changes in this Stewardship Agreement will be addressed by the Principal Contacts of this Stewardship Agreement (below) and through execution of bi-laterally approved amendments/modifications.

**NOTICES**

Any communication affecting the rights and obligations contained in this Stewardship Agreement by the Service or RCO will be in writing and delivered in person, mailed, or transmitted electronically by e-mail, to the Program Contacts, at the addresses and/or email specified below in Principal Contacts section, below.

Notices are effective when delivered in accordance with this provision, or on the effective date of the notice, whichever is later. All notices and correspondence will include both the RCO and the Service.

**PRINCIPAL CONTACTS**

The parties will provide all written communications and notices under this Stewardship Agreement to either or both the mail address and/or the email address listed below:

	<b>U.S. Fish and Wildlife Service Program Contact, Pacific Region</b>	<b>RCO Program Contact</b>
Name & Title	Jackie Ferrier, Project Leader – Willapa National Wildlife Refuge Complex	Scott Robinson Deputy Director
Mailing Address	7112 67th Place Long Beach, WA 98631	Recreation and Conservation Office Natural Resources Building P.O. Box 40917 Olympia, WA 98504-0917
Phone	360.642.3860	360.867.8784
Email	Jackie_ferrier@fws.gov	<a href="mailto:scott.robinson@rcو.wa.gov">scott.robinson@rcو.wa.gov</a>
	<b>U.S. Fish and Wildlife Service Administrative Contact, Pacific Region</b>	<b>RCO Administrative Contact</b>
Name & Title	Ivars Stolcers – Realty Officer	Marc Duboiski Salmon Section Manager
Mailing Address	Pacific Region Headquarters 911 NE 11th Avenue Portland, OR 97232	Recreation and Conservation Office Natural Resources Building P.O. Box 40917 Olympia, WA 98504-0917

Phone	503.231.2176	360.867.8646
Email	<a href="mailto:lvors_stolcers@fws.gov">lvors_stolcers@fws.gov</a>	<a href="mailto:marc.duboiski@rco.wa.gov">marc.duboiski@rco.wa.gov</a>

These addresses and contacts shall be effective until receipt by one party from the other of a written notice of any change.

**AMENDMENTS TO STEWARDSHIP AGREEMENT**

Amendments and/or Modifications to this Stewardship Agreement may be made only by written amendment/modification, signed and dated by properly authorized signatories before any changes are performed. Requests for amendment/modification to the Stewardship Agreement should be made, in writing, at least 60 days prior to implementation of the requested change.

It is the responsibility of each Party to ensure that any person who signs an amendment on its behalf is duly authorized to do so.

**ENTIRE AGREEMENT**

This Stewardship Agreement, with all amendments and attachments, constitutes the entire Stewardship Agreement of the parties. No other understandings, oral or otherwise, regarding this Agreement shall exist or bind any of the parties.

**TERMINATION OF STEWARDSHIP AGREEMENT**

This Stewardship Agreement may be terminated only if both Parties agree to such termination.

**AUTHORIZED REPRESENTATIVES**

By signature below, RCO and the Service each certifies that the individuals listed in this document as representatives of the parties are authorized to act in their respective areas for matters related to the Stewardship Agreement and are authorized to execute the Stewardship Agreement on the party’s behalf. In witness whereof, the Parties hereto have executed this Stewardship Agreement as of the last date written below:



STATE OF WASHINGTON, acting by and through THE WASHINGTON STATE SALMON RECOVERY FUNDING BOARD, administered by the WASHINGTON STATE RECREATION AND CONSERVATION OFFICE

By: \_\_\_\_\_

Name: Megan Duffy

Title: Director

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

Approved as to form:

**By:**

**Date:**

\_\_\_\_\_  
12/13/2023

Assistant Attorney General

STATE OF WASHINGTON )

) ss

COUNTY OF \_\_\_\_\_ )

I certify that I know or have satisfactory evidence that \_\_\_\_\_ is the person who appeared before me, and said person acknowledged that they signed this instrument, on oath stated that they were authorized to execute the instrument and acknowledge it as the \_\_\_\_\_ for the Recreation and Conservation Office and to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: \_\_\_\_\_

Signed: \_\_\_\_\_

Notary Public in and for the State of Washington,  
residing in \_\_\_\_\_.

My commission expires \_\_\_\_\_

## Standard Terms and Conditions

### ASSIGNMENT

Neither this Stewardship Agreement, nor any claim arising under this Stewardship Agreement, shall be transferred or assigned by the Service without prior written approval of the RCO. The Service shall not sell, give, or otherwise assign to another party any Property right, or alter a conveyance (see below) for the project area acquired with this grant without prior notice to the RCO. Any transfer or conveyance of the Property to a United States agency shall remain subject to this Stewardship Agreement, and any reference to "Service" herein shall apply with equal force to any United States agency owning the Property.

### ACKNOWLEDGMENT AND SIGNS

- A. **Publications.** The U.S. Fish and Wildlife Service shall include language which acknowledges the funding contribution of the applicable grant program to this project in any release or other publication developed or modified for, or referring to, the project during the project period and in the future.
- B. **Signs.** During the period of performance through the period of long-term obligation, the U.S. Fish and Wildlife Service shall post openly visible signs or other appropriate media at entrances and other locations on the project area that acknowledge the applicable grant program's funding contribution, unless waived by the RCO Director.

### OPERATION, USE, AND MAINTENANCE

The Service must ensure that the Property is operated, used, and maintained in accordance with rules and regulations at least as protective of the natural environment as in place at the time of execution of this Stewardship Agreement.

### WAIVER OF DEFAULT

Waiver of any default shall not be deemed to be a waiver of any subsequent default. Waiver or breach of any provision of the Stewardship Agreement shall not be deemed to be a waiver of any other or subsequent breach and shall not be construed to be a modification of the terms of the Stewardship Agreement unless stated to be such in writing, signed by the RCO Director, or the RCO Director's designee, and attached as an amendment to the original Stewardship Agreement.

### SEVERABILITY

The provisions of this Stewardship Agreement are intended to be severable. If any term or provision is illegal or invalid for any reason whatsoever, such illegality or invalidity shall not affect the validity of the remainder of the Stewardship Agreement.



EXHIBITS

**EXHIBIT A**

**Legal Description**

The Land referred to herein below is situated in the County of Pacific, State of Washington, and is described as follows:

TOWNSHIP 10 NORTH, RANGE 10 WEST, WILLAMETTE MERIDIAN

PARCEL 2 (PTN): (PTN APN 10101780000)

ALL THAT LAND SITUATED IN THE SOUTHEAST ONE QUARTER OF SECTION 17, TOWNSHIP 10 NORTH, RANGE 10 WEST, W.M., PACIFIC COUNTY, WASHINGTON, LYING SOUTH OF THE FOLLOWING DESCRIBED LINE:

BEGINNING AT A POINT ON THE EAST LINE OF SECTION 17 WHICH BEARS NORTH 3°30'42" EAST, 1756.63 FEET FROM THE SOUTHEAST CORNER OF SECTION 17;

THENCE NORTH 73°41'26" WEST A DISTANCE OF 155.62 FEET;

THENCE NORTH 76°41'10" WEST A DISTANCE OF 247.09 FEET;

THENCE NORTH 88°38'48" WEST A DISTANCE OF 124.50 FEET;

THENCE SOUTH 75°09'56" WEST A DISTANCE OF 159.34 FEET;

THENCE SOUTH 59°07'57" WEST A DISTANCE OF 190.36 FEET;

THENCE SOUTH 50°54'32" WEST A DISTANCE OF 253.82 FEET;

THENCE SOUTH 75°19'14" WEST A DISTANCE OF 623.33 FEET;

THENCE NORTH 86°11'48" WEST A DISTANCE OF 273.35 FEET;

THENCE NORTH 2°57'59" EAST A DISTANCE OF 308.22 FEET;

THENCE SOUTH 84°45'29" WEST A DISTANCE OF 129.89 FEET;

THENCE SOUTH 69°29'57" WEST A DISTANCE OF 412.43 FEET;

THENCE SOUTH 74°49'40" WEST A DISTANCE OF 277.22 FEET TO A POINT ON THE CENTERLINE OF SECTION 17 WHICH BEARS NORTH 3°05'00" EAST, 1399.35 FEET FROM THE SOUTH QUARTER CORNER OF SECTION 17.

BEARINGS ARE BASED ON WASHINGTON STATE PLANE COORDINATE SYSTEM, SOUTH ZONE, NAD83(2011)

CONTAINING 96 ACRES MORE OR LESS

PARCEL 4: (APN 10102016000 & APN 10102017000)

SECTION 20: NORTHEAST QUARTER; THE SOUTH HALF OF THE SOUTHWEST QUARTER; FRACTIONAL SOUTHEAST QUARTER

PARCEL 5: (APN 10102126000 & 10102110000)

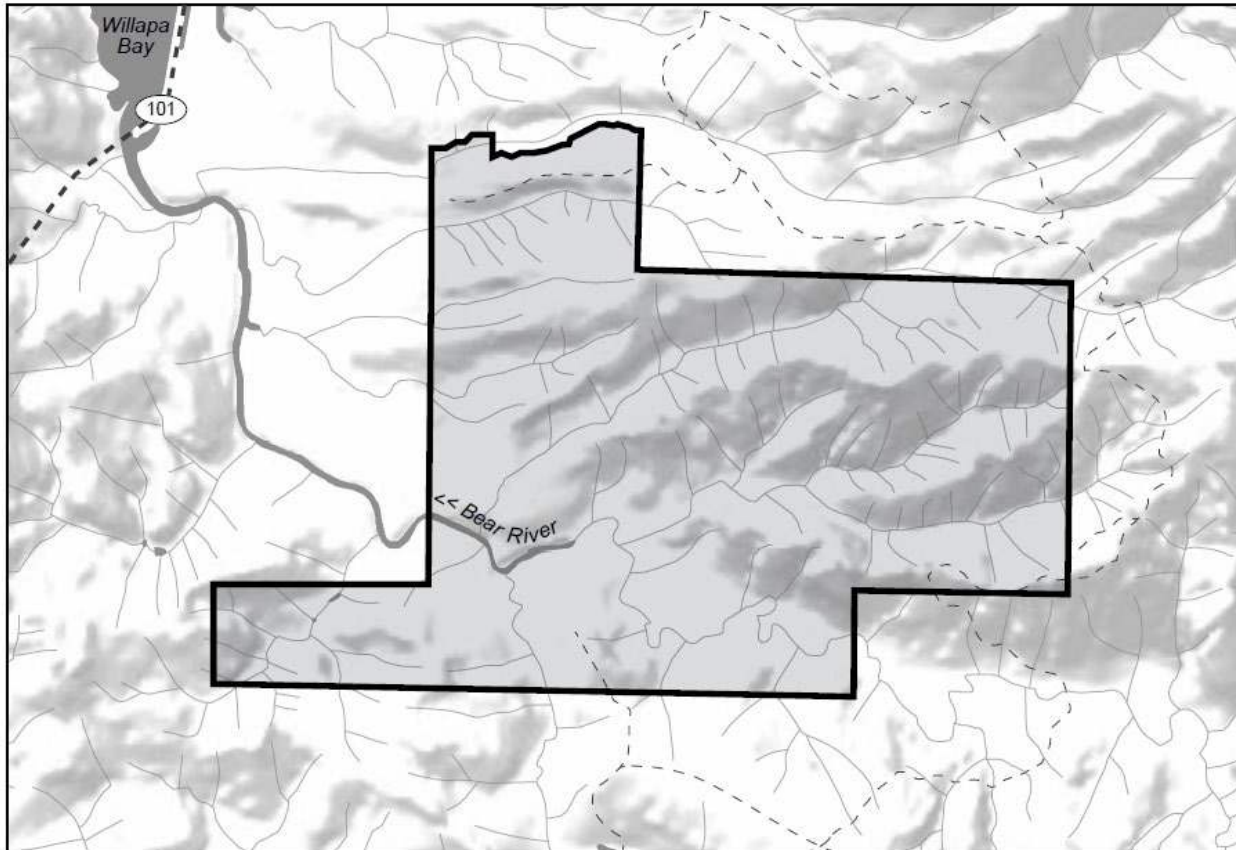
SECTION 21: NORTH HALF; SOUTHWEST QUARTER; NORTH HALF OF THE SOUTHEAST QUARTER

Authorized Signatory Initials of Both Parties: \_\_\_\_\_

**EXHIBIT B**

**Property Map**

22-1803 Willapa Coastal Forest – Phase 1  
Western Rivers Conservancy  
Willapa Coastal Forest – Bear River  
November 1, 2023



-  Willapa Coastal Forest - Deed of Right Boundary
-  Major Road
-  Property Access Roads



Authorized Signatory Initials of Both Parties: \_\_\_\_\_

**EXHIBIT C**

**Scope of Work**

**Land Protected and Conveyed**

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**Acquisition Metrics**

**Property: Willapa Coastal Forest - Phase I  
(Worksite #1, Bear River) Real Property Acquisition**

**Land**

Acres by Acreage Type (fee simple):

Riparian 623.11

Uplands 221.83

Wetlands 194.06

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Total 1039.00

Existing structures on site: No structures on site

**Worksite #1, Bear River**

Targeted salmonid ESU/DPS (A.23): Chinook Salmon-Washington Coast ESU, Chum Salmon-Pacific Coast ESU, Coho Salmon- Southwest Washington ESU, Steelhead-Washington Coast DPS

Targeted species (non-ESU species): Lamprey, Searun Cutthroat

Miles of Stream and/or Shoreline Treated or Protected (C.0.b): 18.5

Project Identified In a Plan or Watershed Assessment (C.0.c): Pacific County Strategic Plan for Salmon Recovery, 2007 update

EXHIBIT D

Pacific County Board of County Commissioners Resolution

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
PACIFIC COUNTY, WASHINGTON

RESOLUTION NO. 2023- 036

IN THE MATTER OF THE WESTERN RIVERS CONSERVANCY'S WILLAPA COASTAL  
FOREST PROJECT AT THE WILLAPA NATIONAL WILDLIFE REFUGE

WHEREAS, the Western Rivers Conservancy (WRC) has the right to acquire certain property, as more particularly described in Exhibit A, hereto the "Property"; and

WHEREAS, the Board of County Commissioners of Pacific County considers it to be in the best interest of the County and supports Western Rivers Conservancy's purchase of the Property and to convey it to the United States Fish and Wildlife Service for inclusion into the Willapa National Wildlife Refuge to protect and restore Bear River and its watershed for the benefit of its economy and quality of life of Pacific County; and

WHEREAS, the Salmon Recovery Funding Board has provided a grant to enable such Property to be conserved by conveyance to the United States Fish and Wildlife Service; and

WHEREAS, for such funding to be granted, RCW 77.85.130(7) requires, among other items, the appropriate legislative authority of Pacific County, with jurisdiction over the project area, to approve the transfer of the Property to United States Fish and Wildlife Service.

NOW THEREFORE, IT IS HEREBY RESOLVED the Board of County Commissioners of Pacific County approves such transfer of the Property to United States Fish and Wildlife Service, for inclusion in the Willapa National Wildlife Refuge.

PASSED by the Board of Pacific County Commissioners meeting in regular session this 23<sup>rd</sup> day of May, 2023 at South Bend, Washington, by the following vote then signed by its membership and attested to by its Clerk in authorization of such passage:

3 YEA; 0 NAY; 0 ABSTAIN; and 0 ABSENT

BOARD OF COUNTY COMMISSIONERS  
PACIFIC COUNTY, WASHINGTON



Lisa Olsen, Chair



Jerry Doyle, Commissioner



David Tobin, Commissioner

ATTEST:

  
Amanda Bennett, Clerk of the Board

**EXHIBIT E**

**Salmon Recovery Funding Board Resolution**

(will be added)

## EXHIBIT F

### COMPLIANCE AND REMEDIES

#### Public and Management Access

The Property must be available for public use when such use is consistent with the National Wildlife Refuge System Administration Act, 16 USC 668dd. Public use means that the general public has regular access and use of property. Public use may be limited to non-motorized access only and may be further limited based on management needs. Legal access must provide sufficient access rights for the RCO to monitor compliance of this Stewardship Agreement and for the Service to maintain the property. Public use of the Property shall be limited to low-impact, passive recreational and cultural uses.

#### Structures and Amenities

All structures on Property must be removed or demolished unless RCO determines the structure is allowed. Before demolition or removal of any structure or any ground-disturbing activity, the Service must comply with its own or RCO's cultural resources review and approval requirements. Any structures on site must be built and maintained for safe, accessible use by the public or the Service.

New infrastructure is limited to the following:

- Unpaved parking areas and associated access roads if they remain at grade or use existing roadbeds, and are in existing rights-of-way, in previously disturbed open areas, or areas recently cleared as part of demolition.

- Trails, paths, boardwalks, railings and bridges if they avoid sensitive areas, stay at grade whenever possible, minimize riparian vegetation disturbance, and use gravel or wood chips sparingly as needed to support public safety and accessibility goals.

- Fencing and gates to protect riparian plantings or sensitive habitat from public access, or to delineate high-use recreational areas such as parking lots or trailheads.

- Signs and kiosks to identify boundaries and entrances, recognize funders, share trail information and rules, or provide interpretive information.

- Recreational amenities such as benches, tables, vault toilets, water spigots, drinking fountains, trash cans, bike racks, and small open-air shelters, provided they are sited to minimize disturbance.

Maintenance Infrastructure. Development of new permanent maintenance infrastructure must be approved by the RCO. Routine maintenance of existing infrastructure, to include replacing or adding bridges and culverts necessary for road maintenance and/or fish passage and conservation of fish habitat, does not require RCO's approval. Existing structures and associated utilities may remain if essential to the operations and maintenance of the Property.

## **Stewardship**

The Service is expected to act with due diligence as steward of the Property and manage the Property to support salmon recovery. This Property shall support and protect functioning habitat conditions. If a plant or animal is specified in this Stewardship Agreement and that plant or animal is lost as the result of events beyond the control of the sponsor, it does not constitute a noncompliance issue.

If the Property or portions thereof is used for purposes other than those that support salmon recovery or otherwise prohibited by this Stewardship Agreement, the RCO may seek injunctive relief (including but not limited to seeking specific performance of this Stewardship Agreement) and/or the Service may choose to replace the changed or converted interests (as defined in RCO guidance documents) in real property with interests of equivalent size, value, and utility and agreed to by the RCO, subject to the requirements and/or limitations of 16 USC 668dd. If the Property or a portion thereof is sold or otherwise transferred to a third party, the Deed of Right \_\_\_\_\_ shall reattach immediately upon transfer and this Stewardship Agreement shall cease to be in effect.

The RCO may choose not to require a remedy if the new owner of the Property or a portion thereof is eligible for Salmon Recovery grants with the RCO, and the RCO has approved the sale or transfer of a property right.

The Service shall provide the RCO with all the information and access necessary to determine if a conversion has taken place, and must approve any remedy or replacement property to such conversion. Any replacement property needed to remedy a conversion shall be subject to this Stewardship Agreement and the property shall be amended herein.

## **Compliance Inspections**

The Service shall allow RCO staff or other authorized state and local agencies access to the Property for periodic compliance inspections. The RCO shall provide compliance inspection reports to the Service and initiate consultation with the Service to correct any conditions not in compliance with this Stewardship Agreement.

Upon Recording, Please Return To:  
Washington State Recreation and Conservation Office  
PO Box 40917  
Olympia, WA 98504-0917  
Attn: Elizabeth Butler

**DEED OF RIGHT TO USE LAND FOR  
SALMON RECOVERY PURPOSES**

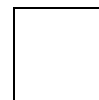
**Willapa Coastal Forest Property**

Grantor: Western Rivers Conservancy

Grantee: STATE OF WASHINGTON, acting by and through the WASHINGTON STATE SALMON RECOVERY FUNDING BOARD and the WASHINGTON STATE RECREATION AND CONSERVATION OFFICE (RCO), including any successor agencies.

Abbreviated Legal Description: PTN SE¼ 10-10-17;  
NE 10-10-20;  
S½ SW; PTN SE 10-10-20;  
N½; SW; N½ SE 10-10-21;  
(More particularly described in Exhibit "A" (Legal Description), and as depicted in Exhibit "B" (Property Map)),  
Assessor's Property Tax Parcel Number(s): PTN of 10-10-17-80000; 10-10-20-16000; 10-10-20-17000; and 10-10-21-26000; 10-10-21-10000.

The Grantor enters this Deed for and in consideration of grant funding coming in whole or in part from the State Building Construction Account – Large Project Supplemental Salmon





Recovery Funding Board Account. Such grant and this Deed are made pursuant to the Grant Agreement entered into between the Grantor and the Grantee entitled Willapa Coastal Forest – Phase I, Project Number 22-1803 signed by the Grantor on the 29<sup>th</sup> day of March, 2023 and the Grantee on the 30<sup>th</sup> day of March, 2023 and supporting materials which are on file with the Grantor and the Grantee in connection with the Grant Agreement.

Subject only to the terms set forth herein, The Grantor hereby conveys and grants to the Grantee as the representative of the people of the State, the right to enforce the following duties:

1. The Grantor shall take such reasonable and feasible measures as are necessary to protect the Real Property as described in Exhibit A: Legal Description, in perpetuity. Such measures shall be consistent with the purposes in the Grant Agreement, including protecting, preserving, restoring and/or enhancing the habitat functions on the Real Property, which includes estuary, instream, riparian, wetland, and upland. This habitat supports or may support priority species or groups of species including but not limited to Chinook, Coho, and Chum salmon; Steelhead and Searun Cutthroat trout; and Lamprey.
2. The Grantor shall allow public access to the Property as provided in the Grant Agreement. Such access shall be subject to the restrictions allowed under the Grant Agreement, by written agreement between the Grantee and Grantor, or under state law.
3. Public access may be limited as necessary for safe and effective management of the property consistent with salmon recovery purposes, but only by written approval of the RCO or funding board.
4. The Grantor shall allow access by the Grantee to inspect the Real Property for compliance with the terms of this Deed and the applicable Grant Agreement to which the Grantor is a signatory. Such access shall be subject to the restrictions, if any, allowed under the Grant Agreement, by written agreement with the Grantee, or under state law. The Grantor warrants it has and shall maintain the legal right and means to reach the property.
5. Without prior written consent by the Grantee or its successors, through an amendment to the Grant Agreement or the process set forth below, the Grantor shall not use or allow any use of the Real Property (including any part of it) that is inconsistent with the salmon recovery grant purposes herein granted and as stated in the Grant Agreement. The Grantor shall also not grant or suffer the creation of any property interest that is inconsistent with the salmon recovery grant purposes herein granted and as stated in the Grant Agreement or otherwise approved in writing by the RCO or funding board.



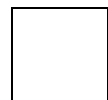
Grantee's consent to an inconsistent use or property interest under this Deed shall be granted only to the extent permitted by law and upon the following ~~three~~ conditions, which ensure the substitution of other eligible land. The conditions are: (1) the substitute salmon recovery land must be of reasonably equivalent habitat qualities, characteristics and location for the salmon recovery purposes as the Real Property prior to any inconsistent use; (2) the substitute salmon recovery land must be of at least equal fair market value to the Real Property at the time of Grantee's consent to the inconsistent use; ~~and (3) the~~ fair market value of the Real Property at the time of the Grantee's consent to the inconsistent use shall not take into consideration any encumbrances imposed on or alterations made to that land as a result of the original state grant and other grants if such encumbrances or alterations reduce the value of the Real Property from what it would be without them.

For purposes of this Deed, the Grant Agreement includes any amendments thereto that occurred prior to or may occur subsequent to the execution of this Deed.

This Deed contains covenants running with the land and shall be binding upon the Grantor and, except as specifically set forth herein, its successors and assigns, and upon any person acquiring the Property, or any portion thereof, or any interest therein, including a leasehold interest, whether by operation of law or otherwise. If the Grantor sells all or any portion of its interest, the new owner of the Property or any portion thereof (including, without limitation, any owner who acquires its interest by foreclosure, trustee's sale or otherwise) shall be subject to applicable covenants and requirements under the Deed; provided, however, that notwithstanding the above, during such time as the United States (to include but not be limited to the United States Fish & Wildlife Service (Service)) owns the Property, this Deed and its covenants and requirements shall not apply to or be enforceable against the United States; provided, further, that this Deed and its covenants and requirements shall fully apply to any entity acquiring the Property from the United States (to include but not be limited to acquisition from the Service).

This Deed may not be removed or altered from the Real Property, or the Real Property further encumbered, or any property rights in or appurtenant to the Real Property transferred or sold, unless specific written approval has been granted by RCO and/or the Washington State Salmon Recovery Funding Board or its successors.

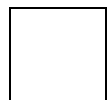
Except as specifically set forth herein, No sale or transfer of the Real Property including less than fee conveyance of property interest, or changes to this Deed, shall be made without the written approval of the RCO. Any such sale or transfer of any property interest or rights in the Real Property, or changes to this Deed, or the recording of any encumbrance, covenant, etc. upon the Real Property shall be void when made unless approved in writing by RCO and made part of the Grant Agreement by amendment. Provided, however, that the restrictions and requirements set forth in this paragraph shall not apply to or be enforceable against the United States; instead, as between RCO and the United States, the terms of the Stewardship Agreement, a copy of which is attached hereto as Exhibit C, shall control.



The Washington State Recreation and Conservation Office and the Washington State Salmon Recovery Funding Board and/or its successors shall each have a separate and independent right to enforce the terms of this Deed.

---

REMAINDER OF PAGE IS INTENTIONALLY BLANK; SIGNATURE PAGES FOLLOW







**EXHIBIT A**  
**Legal Description**

The Land referred to herein below is situated in the County of Pacific, State of Washington, and is described as follows:

TOWNSHIP 10 NORTH, RANGE 10 WEST, WILLAMETTE MERIDIAN

PARCEL 2 (PTN): (PTN APN 10101780000)

ALL THAT LAND SITUATED IN THE SOUTHEAST ONE QUARTER OF SECTION 17, TOWNSHIP 10 NORTH, RANGE 10 WEST, W.M., PACIFIC COUNTY, WASHINGTON, LYING SOUTH OF THE FOLLOWING DESCRIBED LINE:

BEGINNING AT A POINT ON THE EAST LINE OF SECTION 17 WHICH BEARS NORTH 3°30'42" EAST, 1756.63 FEET FROM THE SOUTHEAST CORNER OF SECTION 17;

THENCE NORTH 73°41'26" WEST A DISTANCE OF 155.62 FEET;

THENCE NORTH 76°41'10" WEST A DISTANCE OF 247.09 FEET;

THENCE NORTH 88°38'48" WEST A DISTANCE OF 124.50 FEET;

THENCE SOUTH 75°09'56" WEST A DISTANCE OF 159.34 FEET;

THENCE SOUTH 59°07'57" WEST A DISTANCE OF 190.36 FEET;

THENCE SOUTH 50°54'32" WEST A DISTANCE OF 253.82 FEET;

THENCE SOUTH 75°19'14" WEST A DISTANCE OF 623.33 FEET;

THENCE NORTH 86°11'48" WEST A DISTANCE OF 273.35 FEET;

THENCE NORTH 2°57'59" EAST A DISTANCE OF 308.22 FEET;

THENCE SOUTH 84°45'29" WEST A DISTANCE OF 129.89 FEET;

THENCE SOUTH 69°29'57" WEST A DISTANCE OF 412.43 FEET;

THENCE SOUTH 74°49'40" WEST A DISTANCE OF 277.22 FEET TO A POINT ON THE CENTERLINE OF SECTION 17 WHICH BEARS NORTH 3°05'00" EAST, 1399.35 FEET FROM THE SOUTH QUARTER CORNER OF SECTION 17.

BEARINGS ARE BASED ON WASHINGTON STATE PLANE COORDINATE SYSTEM, SOUTH ZONE, NAD83(2011)

CONTAINING 96 ACRES MORE OR LESS

PARCEL 4: (APN 10102016000 & APN 10102017000)

SECTION 20: NORTHEAST QUARTER; THE SOUTH HALF OF THE SOUTHWEST QUARTER; FRACTIONAL SOUTHEAST QUARTER

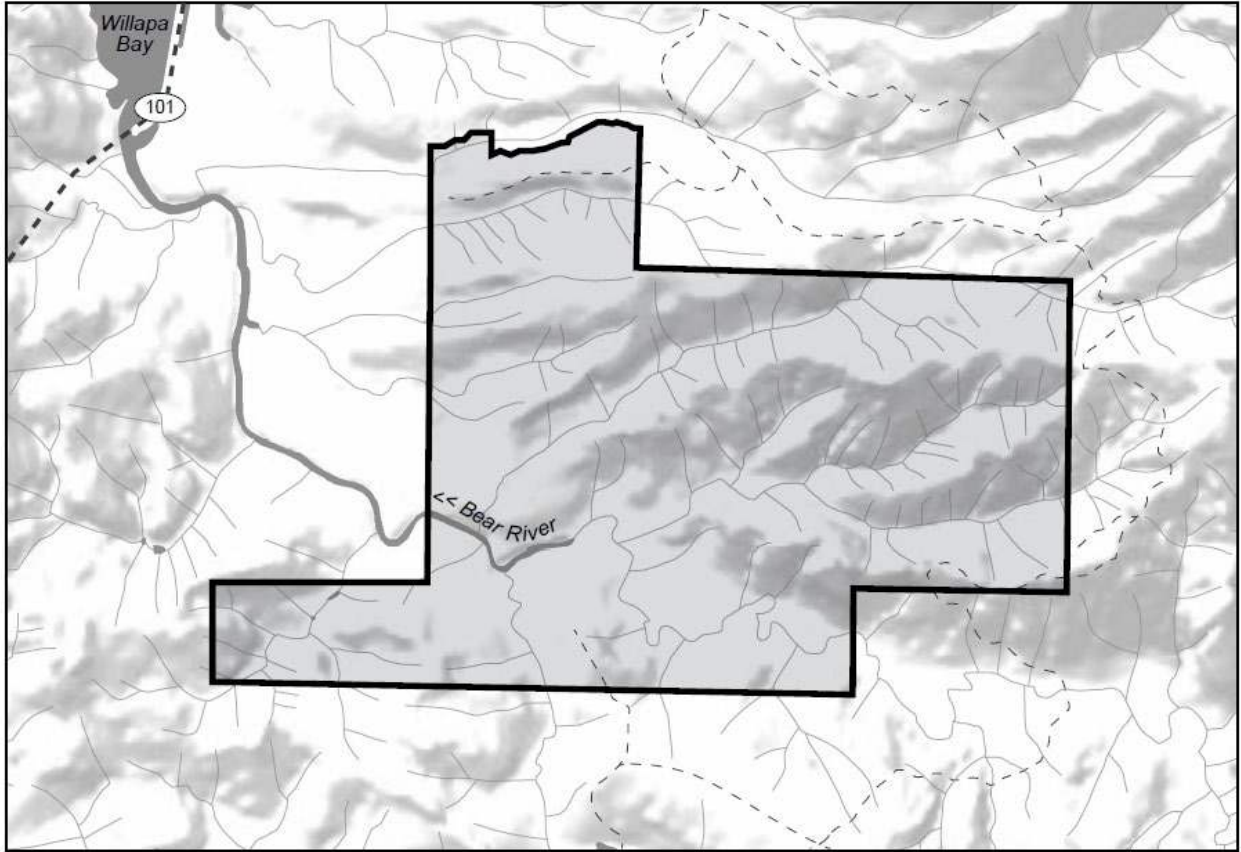
PARCEL 5: (APN 10102126000 & 10102110000)

SECTION 21: NORTH HALF; SOUTHWEST QUARTER; NORTH HALF OF THE SOUTHEAST QUARTER

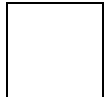


**EXHIBIT B**  
**Property Map**

22-1803 Willapa Coastal Forest – Phase 1  
Western Rivers Conservancy  
Willapa Coastal Forest – Bear River  
November 1, 2023

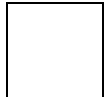


-  Willapa Coastal Forest - Deed of Right Boundary
-  Major Road
-  Property Access Roads



**EXHIBIT C**  
**Stewardship Agreement**

(Signed copy of Stewardship Agreement to be added by escrow company  
before recording Deed of Right)





**To:** Salmon Recovery Funding Board  
**Cc:** Elizabeth Butler, RCO  
**From:** SRFB Technical Review Panel  
**Date:** November 9, 2023  
**Subj:** Project 22-1803 *Willapa Coastal Forest Phase I*: Land Conveyance to the Federal Government Review

---

## **Background**

The SRFB Technical Review Panel evaluated and cleared project 22-1803 as a fee simple acquisition during Large Project Supplemental 2022 grant round, which culminated in SRFB approved funding at the December 2022 meeting. The project was sponsored by the Western Rivers Conservancy. The project is being evaluated by the review panel again now because Western Rivers Conservancy proposes to transfer parcels acquired with SRFB funding to the U.S. Fish and Wildlife Service (USFWS), to be incorporated within the Willapa National Wildlife Refuge (WNWR).

Per SRFB policy, land acquisitions that transfer to a federal agency must undergo evaluation by the SRFB Technical Review Panel prior to transfer. The review panel must evaluate the documents that secure the state's interest in the land for perpetual salmon recovery benefit. The review requirements are detailed in Salmon Recovery Manual 18 Section 6: Managing a SRFB Grant Page 67 (January 2023). In particular, the review panel is directed to evaluate the proposed substitute habitat protections. In this case, these substitute habitat protections documents include the Deed of Right, the Property Stewardship Plan, and the Willapa National Wildlife Refuge Comprehensive Conservation Plan (WNWR CCP or CCP) (2011).

In conducting this Land Conveyance to the Federal Government Review, the review panel examined the following project files:

1. Willapa National Wildlife Refuge Comprehensive Conservation Plan, Vol 1 (Loaded to PRISM on 6/18/23 under file name ccp-volume-1-willapa-nwr\_0.pdf).
2. Willapa National Wildlife Refuge Comprehensive Conservation Plan, Vol 2 (Loaded to PRISM on 6/18/23 under file name ccp-volume-2-willapa-nwr\_0.pdf).
3. Property Stewardship Agreement (10/27/23 draft document provided by RCO).
4. Deed of Right (10/27/23 draft document provided by RCO).

## **Stewardship and Management**

The 2011 WNWR CCP is a 15-year management plan that will guide the management and restoration of the present refuge land base and any newly added parcels such as those proposed under this grant. As currently crafted, the CCP provides low likelihood that future

uses on the land will not be conservation-oriented or contrary to the original grant conditions. Future uses and revisions to the CCP are more difficult to predict, as federal agency policies are subject to shifting political priorities.

The USFWS is currently in the process of updating their planning policies for federal lands within the national wildlife refuge system (<https://www.federalregister.gov/documents/2023/09/15/2023-19994/national-wildlife-refuge-system-planning-policies-602-fw-1-4-for-the-us-fish-and-wildlife-service>) with a public notice and comment period that closed on 10/16/2023. As such, we cannot predict at this time how the management actions in the next iteration of the CCP, that are part of the substitute habitat protections, might change. The conclusion of the planning process policy development will provide greater certainty about any potential changes in future uses or management approach that may be expected at the Willapa National Wildlife Refuge.

Regardless of the policy update process, we believe that the salmon benefits are adequately protected through the Deed of Right and Stewardship Agreement. These documents which are part of the substitute habitat protections appear to provide remedies in law, statute, and contract terms should the level of protection and stewardship be deemed inadequate under future scenarios. We also provide recommendations below on opportunities for strengthening salmon benefits in future revisions of the CCP.

## **Findings**

Upon review of the substitute habitat protections contained within the documents noted above, the review panel finds that:

1. The substitute protections will meet the goals and objectives of the original project and result in the outcomes intended in the original grant.
2. The substitute protections support salmon recovery and will produce sustainable and measurable benefits for fish and their habitat.
3. The substitute protections support salmon habitat and other ecosystem functions necessary to the survival and health of the target species identified in the original grant.
4. The proposed management plan provides equal stewardship of conservation values to that intended in the original grant.

## **Review Panel Recommendations**

- The review panel recommends that in the Property Stewardship Agreement, RCO requires USFWS provide RCO advance notification when management plan updates and habitat restoration strategies are being formulated, and available for public review and

comment, to allow the state to provide guidance on compatibility with the required habitat protections for salmon recovery acquisitions.

- The review panel recommends that RCO consider using this project as a Pilot so that RCO would assess the acquisition project by evaluating a) how closely USFWS adheres to the Stewardship Plan, b) how WNWR management plans are updated to incorporate this property, c) how the USFWS stewards the property to protect and improve salmonid habitat (years 3, 5, and 10), and d) whether RCO policies relating to Federal Transfers should be updated to better achieve salmon recovery goals.

## **Stewardship and Management Planning Recommendations**

The review panel recommends the following actions be taken when the CCP is due for updates and revisions:

- Given the impacted and degraded nature of the subject property from timber harvest, we recommend that the formulation of restoration plans for the property include, but not be limited to: watershed assessments, slope stability, road closure opportunities, weed control, reforestation for biodiversity rather than commercial harvest, in-stream restoration to improve watershed processes and functions include complexity, floodplain connectivity, fish passage, shade, water quality, off-channel rearing and large-wood and sediment transport, and restoration of riparian and stream-adjacent habitats.
- In the Willapa NWR Comprehensive Conservation Plan Volume 1 (2011) document, Section 2.4, Goals, Objectives, and Strategies, include a goal that emphasizes watershed processes important to salmon recovery to protect, maintain, and enhance riparian ecosystems and other stream-adjacent habitats, floodplains beyond the riparian ecosystem, and upland habitats that support watershed processes, throughout the refuge. We recommend specifying protection and restoration for riparian ecosystems beyond one 200-year-old site potential tree height (SPTH). Currently, the WDFW SPTH tool is based on early succession species like red alder (116 ft SPTH) or western hemlock (210 ft SPTH). The WNWR as a long-vision steward is encouraged to restore towards a goal of a late successional forest of Sitka spruce (250 ft SPTH) and consider two site potential tree heights as a width that would result in enhanced water quality throughout the refuge's streams and estuary as well as restore the outer zone of influence and adjacent uplands in the forested riparian ecosystem that supports salmon recovery as well as biodiversity to benefit non-listed salmonids, and other species dependent on aquatic habitat not reflected in one of the more specific goals.
- Alternatively, add to Goal 2.4.3 such that it reads "Protect, maintain and enhance freshwater habitats and their associated riparian ecosystem and stream-adjacent habitat areas" with some discussion about the width (distance from the stream or open water) of riparian influence that is targeted by this goal. As currently written, Goal 2.4.3 does not make mention of the riparian or stream-adjacent area and how it would be

characterized in terms of width, species composition and structural complexity and functional benefits. Objective 2.4.3.2 does mention an “intact riparian corridor” but does not provide further description of what this means other than the amount of shade provided to the stream channel.

- Under Objective 2.4.3.2, include a strategy for achieving this objective that would assess riverine habitat conditions within the refuge and prioritize areas for instream and riparian or stream-adjacent restoration. This would be particularly valuable for areas impacted by prior uses on the landscape (e.g., grazing, hydrologic modifications, levee building, road building and intensive timber harvest) and for parcels newly incorporated into the refuge. Typically, when land is acquired with SRFB funding, it is either already in pristine condition, or it is acquired with the expectation that restoration activities will occur. This aspect could be lost in this land conveyance if the opportunity for restoration on these lands is not explicitly addressed in the management plan. As currently written, watershed assessments are to be conducted “as needed”. Adding greater specificity such that these assessments occur when new areas are incorporated into the refuge, or on a specific schedule, could increase the likelihood that they occur and that appropriate restoration opportunities are identified. The most recent assessment of stream habitat for restoration referenced within the CCP occurred in 2003.
- In the main document, Section 5.5, Special Designation Areas, consider including a Salmon Special Emphasis Areas category that would identify habitat areas that provide benefits to salmonid recovery including the subject property, and any other parcels acquired with salmon-specific funding. This would provide for ready tracking of the parcels that require salmon-focused management actions and their contract requirements and ensure that future uses are compatible with the original grant conditions. It could also facilitate targeted salmon habitat restoration in these areas of the refuge.
- When Appendix K, the Forest Restoration Plan, is updated, it should include areas which have been incorporated into the refuge since its last writing (2007). This would also help address our note above that any lands acquired with SRFB funds would typically be restored if they are in a degraded condition at the time of land transfer.

## Salmon Recovery Funding Board Decision Memo

### APPROVED BY RCO DIRECTOR MEGAN DUFFY

**Meeting Date:** December 13, 2023  
**Title:** Large Project List Development  
**Prepared By:** Brock Milliern, Policy Director  
Nicholas Norton, Policy and Planning Specialist

#### Summary

This memo provides a proposal for the initiation of a Targeted Investments funding opportunity in conjunction with the 2024 annual grant round. This opportunity would result in a list of large projects to be funded with 2024 state supplemental dollars (if appropriated) and serve as the basis for an additional request to the legislature for the 2025-2027 biennium.

Staff are requesting board approval to initiate a Targeted Investments grant round and approval of a specific framework associated with such a grant round.

#### Board Action Requested

This item will be a:

<input checked="" type="checkbox"/>	Request for Decision
<input type="checkbox"/>	Request for Direction
<input type="checkbox"/>	Briefing

### Background

In 2023, the Salmon Recovery Funding Board (board) emphasized their strong support for funding large projects and proactively developing a project list of large projects for funding consideration by the legislature. The Recreation and Conservation Office (RCO) has requested an additional \$20 million for the board in the 2024 supplemental legislative session, which could be used to fund large projects. The \$20 million is in addition to what could be a historically large regular 2024 grant round (perhaps up to \$27 million depending upon the Pacific Coastal Salmon Recovery Fund federal grant award).

After considering several options for large project development and funding, Targeted Investments was identified as the preferred option given its ability to develop a single, statewide ranked list; accommodate situations where funding levels are uncertain; and is a previously adopted board policy. RCO has worked to develop the specific requirements for the grant round.

If the board elects to initiate a Targeted Investment grant round, staff will send a final Request for Proposals to regional recovery organizations as soon as possible, work with lead entities to help them understand their role in the process and make PRISM database adjustments as appropriate in advance of the 2024 grant round.

### Targeted Investments Funding Details

The Targeted Investments policy was approved by the board in September 2020 and included in Manual 18 as Appendix J. In December 2022, the board directed staff to review the Targeted Investment policy based on the results of the initial grant round and external feedback. The board approved an updated policy in June 2023, which included changes to help increase the flexibility of the policy to take advantage of new or predicted funding sources, among other things.

A targeted investments grant round is initiated through board approval of allocation and funding guidance released to regional recovery organizations. This guidance must include, at a minimum:

- Secured, requested, or pending funding that will be allocated to the Targeted Investment grant round.
- Limits, if any, on the size of individual grant requests, as well as the number of projects and/or total grant requests per region.
- Supplementary eligibility criteria and ranking criteria as needed.

Below is a table that lays out the key required funding parameters for the Targeted Investment grant round, specific proposals by staff, and the rationale for each proposal.

Parameter	Proposal	Rationale
<b>2024 Supplemental Funding</b>	Full amount received (minus RCO admin and review panel costs).	Meets board desire to fund large projects by leveraging an off-year funding opportunity.
<b>Additional Funding Sources</b>	Would be the basis for a large project request to the legislature for the 2025-2027 biennium. Threshold for funding this list versus 2025 regular grant round will be determined during the budget setting process in August 2024.	Meets board desire to have a project list to actively present to the legislature.

<b>Projects per Region</b>	Four	Balances the regional opportunity for project development while limiting the size of the list to reflect likely funding levels.
<b>Grant Minimum</b>	\$1 million	Allows for flexibility in funding projects that are considered large in many areas of the state.
<b>Grant Maximum</b>	\$5 million	Encourages participation by increasing the chances of funding multiple projects, while still allowing projects to be supported at scale.
<b>Supplementary Eligibility Criteria</b>	None proposed.	Not responding to a specific type of funding, so no need to change current eligibility.
<b>Supplementary Evaluation Criteria</b>	None proposed.	Not responding to a specific type of funding, so no need to add criteria.

## Timeline

The Targeted Investment grant round would be run in conjunction with the regular 2024 grant round to support efficiencies and minimize capacity requirements for applicants, lead entities, and regions. Below is a table that lists key steps in the process and tentative dates:

<b>Timeline</b>	<b>Activity</b>
<b>December 2023</b>	RCO releases Request for Proposal to Regions.
<b>December 2023 – March 2024</b>	Regions actively recruit and solicit projects based on Request for Proposal.
<b>March– June 2023</b>	Targeted Investment projects follow local lead entity grant round process and technical review.
<b>March 2024</b>	2024 supplemental budget approved by legislature.
<b>June 2024</b>	Regions submit letters of support for Targeted Investment projects.
<b>July 2024</b>	Targeted Investments scored by review panel.
<b>August 2024</b>	Board sets threshold for funding Targeted Investment projects using 2025-2027 funding as part of larger budgeting process.
<b>September 2024</b>	Board approves Targeted Investment ranked list and allocates 2024 supplemental funds as available.

<b>October 2024</b>	Unfunded Targeted Investment projects presented to the legislature as a separate, large project funding request for the 2025-2027 biennium.
<b>April 2025</b>	2025-2027 biennial budget approved by legislature.
<b>June 2025</b>	Board allocates 2025-2027 funding to Targeted Investment projects as available.

## Motion

Move to approve the initiation of a Targeted Investments grant round in conjunction with the 2024 grant round with the project and funding parameters as described by staff.

## Strategic Plan Connections

The draft policy supports **Goal 1** of the board’s strategic plan: Fund the best possible salmon recovery activities and projects through a fair process that considers science, community values and priorities, and coordination of efforts.

<https://rco.wa.gov/wp-content/uploads/2019/07/SRFB-StrategicPlan.pdf>



October 25, 2023

Megan Duffy, Director  
Recreation and Conservation Office  
1111 Washington St. SE  
Olympia, WA 98501

RECEIVED  
NOV - 2 2023  
WA STATE  
RECREATION AND CONSERVATION OFFICE

Dear Ms. Duffy and all Concerned,

RE: Point No Point Estuary Project Interim Design Review for Project 20-1524

It has come to my attention that, Mid-Puget Sound Fisheries Enhancement Group, the project sponsor, has completed a 60% Design Alternative Analysis and selected a preferred alternative of full restoration. I want to register my opinions and concerns as part of the public input on this project.

I have personally been involved in expressing my concerns for some time and feel constantly left out of the decision-making process. This community, who must live with the results of actions imposed upon it without our permission, has grave concerns that the construction of this project could place this area in great danger should the levee fail or not be maintained sufficiently over the long-term. *There are no commitments that Kitsap County will forever maintain this project and keep the integrity intact. This includes maintenance of the levee system, ground water and stormwater drainage, removal of driftwood at the eastern opening, and the maintenance of the proposed bridge and Hillview Lane roadway (which is a private road).*

Perhaps the most puzzling issue currently is why this project is continuing and more public money is being spent on design when there does not seem to be complete agreement by Hillview Lane property owners and the affected private landowner to allow this project. Mid-Sound has stated that the elevation of Hillview Lane and the installation of a bridge is key to the complete restoration of the wetlands. Any other option but complete restoration, would likely not be approved or achieve the desired results. *I suggest that the any further use of public funds for this project without the consent of these constituents is inappropriate and that money is better used for another project.*

As a landowner, who is directly affected by this potential project, I resent decisions being made that could negatively affect the safety, value, and future of my personal residence and my physical safety. It is our homes and property that could be negatively affected by this future

project and once completed will forever change the landscape of our homes, lives, and community.

Respectfully,

Christine Brinton, landowner

8489 NE Point No Point Rd. - Hansville, WA 98340

CC: Christine Rolfes, Kitsap County Commissioner

Lisa Reynolds, Mid-Sound Fisheries Enhancement Group

Salmon Recovery Funding Board

~~Marc~~ Marc Duboiski, Salmon Grants Section Manager, Recreation and Conservation Office

RECEIVED

NOV -2 2023

WA STATE  
RECREATION AND CONSERVATION OFFICE



November 27, 2023

Dear Chair Breckel, Salmon Recovery Funding Board members and Director Duffy,

I'm writing on behalf of the North Olympic Salmon Coalition, one of 14 Regional Fisheries Enhancement Groups in the state of WA. We have been implementing salmon recovery projects for nearly 35 years. **We are writing today to express our support for eliminating the match requirement in RCO's SRFB grants.**

Board of Directors

*Kathryn Neal*  
Chair

*Andy Brastad*  
Vice Chair

*Vern Bessey*  
Secretary

*Sarah Hadlock*  
Treasurer

*Hansi Hals*

*Don Dybeck*

*Jim Pearson*

**Matching funds create an enormous drain on a sponsor's ability to stay focused on the restoration work.** If, for each grant we secure, we need to secure a second grant for the sake of showing match, we've been forced into consuming precious staff resources all for demonstrating that another agency at the federal or local level also believes in our project. Let's say we need \$300,000 for a project. This amount is easily attainable in a local SRFB round. But since it requires about \$45K in match, we must write more grants for match. It can take from 40 to 100 staff hours to prepare a grant application and because we don't know if we'll get the grant we apply for as match, we often write two or three grants. Now it has cost us between 120 and 300 hours of grant writing and even then, we may come up empty handed for the small match requirement. This time could be better spent doing projects.

**Legislators, agency staff, board members, and our communities want to see work done efficiently and cost effectively. Writing grants for the sake of 'showing match' isn't efficient or cost effective.**

**Additionally, not all organizations or agencies have funding to be writing multiple grants to find match; SRFB funds are more accessible to more heavily resourced project sponsors, creating inequity in distribution of funds.**

We need project managers to stay focused on implementing projects on the ground. It is difficult it is to find skilled restoration practitioners. Especially skilled project managers who can lead the design and construction of our most highly impactful restoration projects. These are the people who need to be focused on implementation while also being the people who have the technical expertise to write the grants. **Every year, instead of having our highly skilled, difficult to replicate project manager managing projects, they are spending several weeks or even months' worth of time writing grants.** Some applications are strictly necessary to amass dollars needed for projects, **others are a frivolous exercise in obtaining money of a different color to meet match requirements.**

**We urge you to follow the lead of other state and federal agencies and drop the match requirement on RCO/SRFB contracts so sponsors can spend precious staff resources implementing salmon recovery actions that make a difference.**

**Thank you for your consideration of our comments on this important matter. And thank you for the important work you do as a board and staff. We are honored to be entrusted with doing our part to recover listed and non-listed salmonids on the North Olympic Peninsula of WA.**

Respectfully submitted on behalf of the NOSC Board of Directors,

A handwritten signature in black ink, appearing to read "Rebecca Benjamin". The signature is fluid and cursive, with the first name being more prominent.

Rebecca Benjamin  
Executive Director



Natural Resources Department  
Environmental Division  
6406 Marine DR NW  
Tulalip, WA 98271  
.....

Date: November 13, 2023

**To: Chair Breckel, Salmon Recovery Funding Board members and Director Duff**  
**RE: Match requirement considerations**

Dear Salmon Recovery Funding Board and RCO Director,

The Tulalip Tribes appreciates this opportunity to provide our recommendation for your consideration in the discussion around match requirements at the Salmon Recovery Funding Board. For many years, match has been a significant obstacle to advancing priority habitat restoration actions within our Usual and Accustomed areas. Identifying, applying for, and tracking match is a time consuming and costly process, taking up limited staff capacity within our organization.

As other grant programs, such as those being administered by Bipartisan infrastructure Law and Inflation Reduction Act federal funding have lifted match requirements and replaced them with "leverage" we have seen an exponential lift in our ability to advance projects to completion more quickly and efficiently. Match requirements rarely ever tell the full story of project costs and fails to see the bigger picture of funding needs. Habitat restoration is a critical aspect to our salmon recovery strategies and for years implementation has lagged behind restoration need. Removing barriers to implementation, like match requirements, is a critical step to advancing our strategies and helps to honor our treaty rights and the public investment by increasing efficiency and getting projects on the ground faster. It also has the potential to more accurately report all leveraged dollars brought to salmon recovery projects.

The Tulalip Tribes are the successors in interest to the Snohomish, Snoqualmie, and Skykomish Tribes and other tribes and bands signatory to the Treaty of Point Elliot of 1855. In the treaty our ancestors ceded millions of acres of land in exchange for the recognition of our inherent rights to sovereignty and self-determination as well as our inherent rights to hunt, fish and gather at usual and accustomed grounds and stations and upon all open and unclaimed land. The United States holds a trust responsibility to protect the Tribe's rights and interests as reserved in the treaty.

Thank you,



Jason Gobin,  
Tulalip Tribes Natural Resources Director

Cc:

The Tulalip Tribes are federally recognized successors in the interest to the Snohomish, Snoqualmie, Skykomish, and other allied tribes and bands signatory to the Treaty of Point Elliott.



**CLALLAM COUNTY**  
**DEPARTMENT OF COMMUNITY DEVELOPMENT**  
**COUNTY COURTHOUSE**  
**223 E. 4TH ST., SUITE 5**  
**PORT ANGELES, WA 98362-3015**  
**PHONE: (360) 417-2321**  
**FAX: (360) 417-2443**

[dcdadmin@co.clallam.wa.us](mailto:dcdadmin@co.clallam.wa.us)

[dcdplan@co.clallam.wa.us](mailto:dcdplan@co.clallam.wa.us)

[dcdldg@co.clallam.wa.us](mailto:dcdldg@co.clallam.wa.us)

BRUCE EMERY, DIRECTOR

November 28, 2023

Dear Chair Breckel, Salmon Recovery Funding Board members, and Director Duffy,

I write to request that you consider removing match requirements for salmon restoration projects. Removing match requirements will allow project sponsors to focus on bringing worthy projects to fruition.

Salmon restoration projects must be implemented as swiftly as possible to promote recovery and to mitigate the effects of climate change. Match requirements have often proved a time-consuming stumbling block to restoration efforts, especially for economically distressed areas with limited local financial resources. Administrative burdens that accompany match requirements add to the complexity of designing, permitting, and implementing worthy projects. Projects in our area have been delayed or altogether shelved because initial match could not be generated.

Removing the match requirement expedites salmon recovery, honors the public investment by increasing efficiency, helps project sponsors to implement projects in a timely way, reduces administrative inefficiencies, and improves the reporting of all leveraged dollars brought to salmon recovery projects.

Project sponsors will likely continue to leverage funding sources, as it is rare to fund a large-scale project from a single source. Sponsors can provide documentation of such as part of grant reporting. Meanwhile they will be able to move ahead with their necessary work.

Thank you for your consideration of this important element of salmon restoration.

A handwritten signature in blue ink, appearing to read "Cathy Lear".

Cathy Lear  
Senior Habitat Biologist



# JAMESTOWN S'KLALLAM TRIBE

1033 Old Blyn Highway, Sequim, WA 98382

360/683-1109

FAX 360/681-4643

November 28, 2023

Recreation and Conservation Office (RCO)  
Salmon Recovery Funding Board (SRFB)

Sent Via Email: [Julia.mcnamara@rco.wa.gov](mailto:Julia.mcnamara@rco.wa.gov)

Dear Chair Breckel, Salmon Recovery Funding Board members and Director Duffy,

Jamestown S'Klallam Tribe appreciates the opportunity to provide recommendations for consideration around match requirements at the December 13 Salmon Recovery Funding Board (SRFB) meeting.

The Tribe encourages SRFB to eliminate match requirements entirely for its grant programs. While the framework seemed logical that match would involve a local investment, instead securing match - especially in the rural area of Jamestown's Usual and Accustomed fishing, meant seeking other grant funds. Local jurisdictions have very limited resources, so the Tribe and its project partners could not rely on local revenue sources for match commitments. Prolonged grant writing is a drain on limited staff capacity. As you know, because SRFB awards both State and Federal funding, there is also competition of the funding-type to assure other secured funding grant program match eligibility. It is a barrier to timely project implementation and undoubtedly has resulted in lost opportunity. I believe that a Dungeness Bay marine shoreline parcel acquisition was delayed so long that the seller sold to a private party --- where a new million-dollar home was built in the FEMA flood hazard area. Further, match requirements also create a high administrative burden, especially when multiple grant programs are funding multiple partners, which is typical for large-scale projects.

The Tribe applauds SRFB for its successful program and recognizes that with SRFB program funding, we've implemented numerous projects that benefit treaty resources. It would be more equitable and efficient to remove match requirements. By eliminating this barrier, it will expedite salmon recovery, increase efficiency, speed up project implementation, reduce administrative burdens, and improve all leveraged dollars brought to salmon recovery projects. In addition, removing match allows entities to better determine how to best leverage complimentary funds, extend the reach of multiple funding sources, and bring a project to completion.

Jamestown S'Klallam Tribe supports removing matching requirements while requesting that project sponsors fully communicate in PRISM all the leveraged funds they are bringing to a project.

Respectfully,

Hansi Hals  
Natural Resources Director



**CLALLAM COUNTY**  
**DEPARTMENT OF COMMUNITY DEVELOPMENT**  
**COUNTY COURTHOUSE**  
**223 E. 4TH ST., SUITE 5**  
**PORT ANGELES, WA 98362-3015**  
**PHONE: (360) 417-2321**  
**FAX: (360) 417-2443**

[dcdadmin@co.clallam.wa.us](mailto:dcdadmin@co.clallam.wa.us)

[dcdplan@co.clallam.wa.us](mailto:dcdplan@co.clallam.wa.us)

[dcdbldg@co.clallam.wa.us](mailto:dcdbldg@co.clallam.wa.us)

BRUCE EMERY, DIRECTOR

November 28, 2023

Dear Chair Breckel, Salmon Recovery Funding Board members, and Director Duffy,

I write to request that you consider removing match requirements for salmon restoration projects. Removing match requirements will allow project sponsors to focus on bringing worthy projects to fruition.

Salmon restoration projects must be implemented as swiftly as possible to promote recovery and to mitigate the effects of climate change. Match requirements have often proved a time-consuming stumbling block to restoration efforts, especially for economically distressed areas with limited local financial resources. Administrative burdens that accompany match requirements add to the complexity of designing, permitting, and implementing worthy projects. Projects in our area have been delayed or altogether shelved because initial match could not be generated.

Removing the match requirement expedites salmon recovery, honors the public investment by increasing efficiency, helps project sponsors to implement projects in a timely way, reduces administrative inefficiencies, and improves the reporting of all leveraged dollars brought to salmon recovery projects.

Project sponsors will likely continue to leverage funding sources, as it is rare to fund a large-scale project from a single source. Sponsors can provide documentation of such as part of grant reporting. Meanwhile they will be able to move ahead with their necessary work.

Thank you for your consideration of this important element of salmon restoration.

A handwritten signature in blue ink, appearing to read "Cathy Lear".

Cathy Lear  
Senior Habitat Biologist



## LEAD ENTITY HAPPENINGS

### Quillayute Restoration

*Submitted by Anna Geffre of the North Pacific Coast Lead Entity*

In Watershed Resource Inventory Area 20 along Clallam County's western edge at LaPush, the Quileute Tribe and their partners are making significant progress on the Quillayute River Restoration Project, called Planning Up the River. The Quillayute River watershed drains about 625 square miles on the west side of the Olympic Peninsula. Much of the watershed has undergone substantial anthropogenic modifications, including widespread logging, road development, recreation, and infrastructure, to meet the needs of coastal populations. These impacts resulted in the main stem, which is six miles along the lower end of the watershed, becoming a high-velocity channel that is severely lacking in habitat diversity and large woody material. Planning Up the River is a multi-year, multi-phased effort to implement restoration actions that use nature-based solutions to restore floodplain connectivity and improve habitat to address limiting factors for salmon, while reducing flood and erosion risk downstream.

The Quileute Tribe completed the Quillayute River Geomorphic Assessment and Action Plan in 2020, which split the main stem below the confluence of the major tributaries into six reaches, identified limiting factors, and developed and prioritized potential restoration actions.

In the summer of 2022, the Tribe completed restoration actions on Reach 3 (RM 1.8-3.7), including the construction of eight large, engineered log jams, 40 small floodplain log jams, a log revetment, and excavated side channels. In 2023, a huge team effort saw nearly 10,000 live plants and 150 lbs. of seed installed. Upcoming work includes advancing restoration designs for Reaches 4-6 [RM 3.7-6.0; funded by Washington Coast Restoration & Resiliency Initiative, finalizing designs, and restoring and reconnecting access to the Historic Oxbow in Reach 4 (funded by Floodplains by Design), and correcting two culvert barriers on Hermison Creek in Reach 4 (funded by Floodplains by Design, Natural Resources Conservation Service, and the Salmon Recovery Funding Board).

Once complete, Planning Up the River will improve habitat for all life stages of Chinook, coho, chum, pink, and sockeye salmon and steelhead as well as resident trout. It will increase scour pools and holding areas for adults and juveniles, off-channel habitat for spawning and rearing juveniles, refuge habitat during peak storm events, and nutrient inputs, as well as shade and cover provided by the addition of large woody material and increased canopy cover.



*Aerial Views of the Historic Oxbow in Reach 4  
Photo Courtesy of the Quileute Tribe*



*Completed log jam installations done in Reach 3  
Photo Courtesy of the Quileute Tribe*

## Salmon SEEson Program

Submitted by Carrie Byron, Lake Washington/Cedar/Sammamish Watershed (WRIA 8) Lead Entity

The Salmon SEEson program shares the best stream and river locations in King County where people can see salmon as they return from the ocean in late summer and fall. Since 2007, the Lake Washington/Cedar/Sammamish Watershed (WRIA 8) has secured sponsorship funding to coordinate this highly successful education and outreach program, working with local government, community organizations, and state and federal agency sponsors at various salmon viewing locations. Some locations are self-guided, while others feature volunteer naturalists to guide visitors in seeing salmon and learning about their lifecycle, recovery efforts, and habitat restoration. The program also provides resources to educate residents about salmon recovery and what they can do to contribute. Visit the [Salmon SEEson website](#) to learn more and view locations where salmon can be spotted.



This year marked another successful Salmon SEEson. Some highlights:

- The Cedar River Salmon Journey program hosted volunteers at the Ballard Locks and at several locations along the Cedar River from June through October, making this a record-breaking year for visitor engagement. They saw a total of 30,444 visitors which is a whopping **70% increase** over 2022 (17,872 visitors). One possible reason for the significant increase was the early buzz and media coverage about larger than normal counts of salmon at the Locks.
- Friends of the Issaquah Salmon Hatchery conducted over 200 educational tours to schools, groups, and organizations this season as well as giving 50+ classroom presentations about salmon recovery, obstacles and life cycles to schools around King County.



Cedar River Salmon Journey participants  
Photo courtesy Seattle Aquarium



Friends of Issaquah Salmon Hatchery tours

## Gap to Gap Ecosystem Restoration Construction

*Submitted by Michael Horner, Yakima Basin Fish and Wildlife Recovery Board Lead Entity*

Yakima Recovery Board staff recently attended the groundbreaking ceremony for the [Gap to Gap Ecosystem Restoration Construction](#) project in Yakima. This project is made possible by a substantial SRFB investment and offers a rare opportunity to undertake a large-scale floodplain restoration [project](#) next to the City of Yakima along the mainstem of the Yakima River. It will reactivate the floodplain of the Gap to Gap reach, which will significantly increase salmon habitat diversity and productivity in the Yakima Basin. By restoring the river's natural floodplain processes, this project will reduce flood elevations and the risk of levee breaches and increase access to hundreds of acres of side channel spawning, rearing, and winter outmigration habitat for steelhead, Chinook and coho salmon and Pacific lamprey.

The project secured funding from the SRFB's Targeted Investments program, recognizing its importance to Chinook as a key prey stock for Southern Resident orca, as well as through the 2022 grant round for projects exceeding \$5 million in budget. Thanks to these investments, Yakima County and its city, federal, and tribal partners were able to quickly initiate three phases of this project.

Tasks involve removing levees along a 2.9-mile-long reach, regrading the floodplain, and reconnecting multiple side channels. When done the project will return dynamic river processes to over 700 acres while also reducing flood risk to adjoining developed areas and critical infrastructure like Interstate 82.

The SRFB's investments in Targeted Investments and large-scale projects made this possible. This project has received media attention from news outlets including the [Yakima Herald-Republic](#) and local NBC affiliate [KIMA](#), capturing the excitement it has generated in our community.



*Aerial View of Gap to Gap Ecosystem Restoration*

December 5, 2023

Dear Chair Breckel, Salmon Recovery Funding Board members, and Director Duffy,

Thank you for your service and continued support of salmon recovery efforts across Washington State. I am reaching out to you as a Salmon Habitat Restoration Project Manager for the South Puget Sound Salmon Enhancement Group (SPSSEG), which is one of Washington's fourteen Regional Fisheries Enhancement Groups (RFEs). As someone who implements millions of dollars' worth of salmon recovery projects, many which are funded directly through RCO programs, **I write today to express strong support for eliminating the match requirement in RCO's SRFB grants.**

The community benefits of salmon recovery are clear – cleaner water, less flooding, more productive farmland, improved bridges and roads, healthier forests, rivers and shorelines, more wildlife habitat, and improved opportunities for fishing and outdoor recreation. Over the past 30 years, RFEs have completed 4,759 salmon restoration projects, including removing 1,043 fish passage barriers, opening 1,477 miles of habitat, and 2,389 miles of habitat enhancement and restoration. Additionally, over 92 million salmon have been released across the state. RFEs successfully leverage state funding with other grants, partner matches, and private donations, and will continue to do so. For every \$1 dollar received, RFEs secure an additional \$8, greatly amplifying the initial investment. RFEs also create jobs and support economic activity through restoration projects that require skilled engineers, contractors, and construction crews.

This important salmon recovery work would not be possible without RCO's SRFB grants, but in addition to more funding, project sponsor capacity is desperately needed to keep pace with the goals outlined in the Governor's Statewide Salmon Recovery Strategy. Match requirements are a financial barrier and administrative burden to salmon recovery partners, especially nonprofits like RFEs who are sponsoring and implementing often large and complex projects. As a project manager for the past 5 years with SPSSEG, I myself have experienced major project delays, financial burdens and unnecessary stressors due to the requirements of match. For example, a recent project (19-1443) of mine required matching funds of over \$100,000. This already near \$1 million project had to be delayed due to matching grants not being awarded to the project. Without the matching funds, SPSSEG was unable to award a bid due to the price of the project not being covered completely without match. Securing these matching funds added 2-years of time extensions to the project and cost over 200 additional staff hours to apply for said grants. These requirements also add to employee stress and burnout as there is always this requirement looming over the project. This impact does not allow project managers to work in a direction that would be most efficient, only adding extra steps and delays to their project.

I strongly encourage the SRFB to remove match requirements.

I appreciate your continued support and hope you will vote yes to remove match requirements. If you have any questions, please reach out to [coleb@spsseg.org](mailto:coleb@spsseg.org) or (360) 464-0004.

Sincerely,



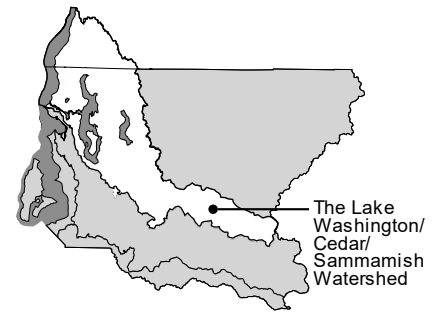
Cole Baldino  
Salmon Habitat Restoration Manager  
South Puget Sound Salmon Enhancement Group

WATER RESOURCE INVENTORY AREA (WRIA 8) SALMON RECOVERY COUNCIL



November 30, 2023

The Honorable Senator  
Patty Murray  
2988 Jackson Federal Building  
915 2<sup>nd</sup> Avenue  
Seattle, WA 98174



RE: Lake Washington/Cedar/Sammamish Watershed (WRIA 8) Salmon Recovery Council  
federal fiscal year 2025 legislative priorities

Dear Senator Murray:

On behalf of the Lake Washington/Cedar/Sammamish Watershed (WRIA 8) Salmon Recovery Council, we wish to share our federal fiscal year 2025 (FY2025) budget and legislative priorities. The Council is comprised of 29 local governments and stakeholder representatives from businesses, community groups, concerned citizens, and state and federal agencies working collaboratively since 2000 to recover Chinook salmon, listed as threatened under the Endangered Species Act (ESA). The federal government's leadership is critical to ensuring we can continue to protect and restore habitat for iconic Pacific Northwest salmon, returning them to sustainable, harvestable levels for current and future generations, to meet tribal treaty right obligations, and to ensure the long-term availability of Chinook salmon as the primary prey resource for critically endangered Southern Resident Orcas.

Thank you for your strong support for continued federal investment in salmon recovery and Puget Sound restoration. We are pleased to see support for several salmon recovery and Puget Sound restoration priorities in the unprecedented federal investment through the Infrastructure and Jobs Act and the Inflation Reduction Act. We look forward to working to align this funding with high priority, multi-benefit projects on the ground. In these challenging times, the federal government's investment in salmon recovery and Puget Sound ecosystem restoration is more important than ever. Construction of habitat restoration projects is providing jobs, supporting local economies, and helping achieve multiple objectives, including flood risk reduction, water quality improvement, and open space conservation. Economic studies document that every \$1 million invested in watershed restoration results in 16 to 24 new or sustained jobs and \$2.5 million in total economic activity, of which 80 percent stays in the local community where the project is constructed.

Beaux Arts Village  
Bellevue  
Bothell  
Clyde Hill  
Edmonds  
Everett  
Hunts Point  
Issaquah  
Kenmore  
Kent  
King County  
Kirkland  
Lake Forest Park  
Maple Valley  
Medina  
Mercer Island  
Mill Creek  
Mountlake Terrace  
Mukilteo  
Newcastle  
Redmond  
Renton  
Sammamish  
Seattle  
Shoreline  
Snohomish County  
Woodinville  
Woodway  
Yarrow Point

Alderwood Water and  
Wastewater District  
The Boeing Company  
Cedar River Council  
Environmental Science Center  
Friends of the Issaquah  
Salmon Hatchery  
Mid-Sound Fisheries  
Enhancement Group  
Mountains to Sound  
Greenway Trust  
National Oceanic and  
Atmospheric Administration  
Pilchuck Audubon Society  
Sno-King Watershed Council  
Trout Unlimited  
US Army Corps of Engineers  
Washington Departments:  
Ecology  
Fish and Wildlife  
Natural Resources  
Washington Association of  
Sewer and Water Districts  
Washington Policy Center

For FY 2025, we encourage you to build on existing progress and momentum for salmon recovery and watershed health in Puget Sound and throughout Washington State. We ask that you support the following:

- **At least \$110 million appropriation for the Pacific Coastal Salmon Recovery Fund (PCSRF)** in Departments of Commerce and Justice, Science, and Related Agencies Appropriations Bill. This program is the foundation of salmon recovery in Washington State. These critical federal funds help leverage substantial state and local resources and amplify on-the-ground habitat protection and restoration progress.
- **Funding for the Army Corps of Engineers' (Corps) to advance design and construction of critical prioritized infrastructure repairs to the Hiram M. Chittenden (Ballard) Locks.** Also, support the Corps' continued engagement in the process to address elevated water temperatures and low dissolved oxygen in the Lake Washington Ship Canal that threaten salmon survival, and support the Corps' identifying important upgrades and improvements to the fish ladder.
- **\$50 million for the National Estuary Program in the U.S. Environmental Protection Agency (EPA),** which is core funding for Puget Sound recovery.
- **\$57 million for the Puget Sound Geographic Program in the EPA,** which provides key funding to support Puget Sound recovery priorities, including innovative approaches to addressing stormwater, habitat, shellfish, flooding, water quality and quantity, and endangered species recovery, including Chinook salmon and Southern Resident orcas.
- **Support aligning funding from the Infrastructure and Jobs Act and Inflation Reduction Act with priority state and local habitat restoration and water infrastructure improvements.**
- **Support innovative efforts to streamline regulatory review and permitting to support habitat restoration project implementation.** This is especially important to support efficient use of funds allocated through the Infrastructure and Jobs Act and the Inflation reduction Act.
- **Support federal funding for research and management of stormwater runoff to reduce impacts to salmon.** Stormwater is the largest source of pollution to the Puget Sound and much of the developed landscape does not have stormwater treatment. Federal funding is needed to support local governments in implementing critical stormwater retrofit projects to capture and treat toxic runoff. Federal infrastructure funding provides a once in a generation opportunity to effectively address stormwater management.
- **Support and create mechanisms to enable innovative funding approaches,** including public/private partnerships, that engage federal agencies and private funding sources to implement projects, especially those under federal authority.

We appreciate the challenges involved in federal policy and budget decisions and applaud your leadership. Thank you for advancing salmon recovery in Washington State and restoring a healthy Puget Sound. If you have any questions about how these priorities advance our salmon recovery objectives, please feel free to contact Jason Mulvihill-Kuntz, WRIA 8 Salmon Recovery Manager, at 206-477-4780 or [jason.mulvihill-kuntz@kingcounty.gov](mailto:jason.mulvihill-kuntz@kingcounty.gov). Thank you for your consideration.

Sincerely,



John Stokes  
Chair, WRIA 8 Salmon Recovery Council  
Councilmember, City of Bellevue



Vanessa Kritzer  
Vice-Chair, WRIA 8 Salmon Recovery Council  
Councilmember, City of Redmond

Enclosure: WRIA 8 Salmon Recovery Council FY2025 federal legislative priorities for salmon recovery

cc: Jay Inslee, Governor, State of Washington  
Jennifer Quann, NOAA West Coast Regional Administrator  
Scott Rumsey, NOAA Deputy Regional Administrator  
Kathryn Sanborn, Colonel, Army Corps of Engineers, Seattle District  
Justin Parker, Executive Director, Northwest Indian Fisheries Commission  
Jeff Breckel, Chair, Washington State Salmon Recovery Funding Board  
Laura Blackmore, Director, Puget Sound Partnership  
Megan Duffy, Director, Washington State Recreation and Conservation Office  
Hillary Franz, Commissioner of Public Lands, Washington State Department of Natural Resources  
Kelly Susewind, Director, Washington State Department of Fish and Wildlife  
Laura Watson, Director, Washington State Department of Ecology  
Sarah Groth, Interim Director, Washington State Conservation Commission  
Erik Neatherlin, Executive Coordinator, Governor's Salmon Recovery Office  
Lake Washington/Cedar/Sammamish Watershed Salmon Recovery Council members  
Jason Mulvihill-Kuntz, Lake Washington/Cedar/Sammamish Salmon Recovery Manager



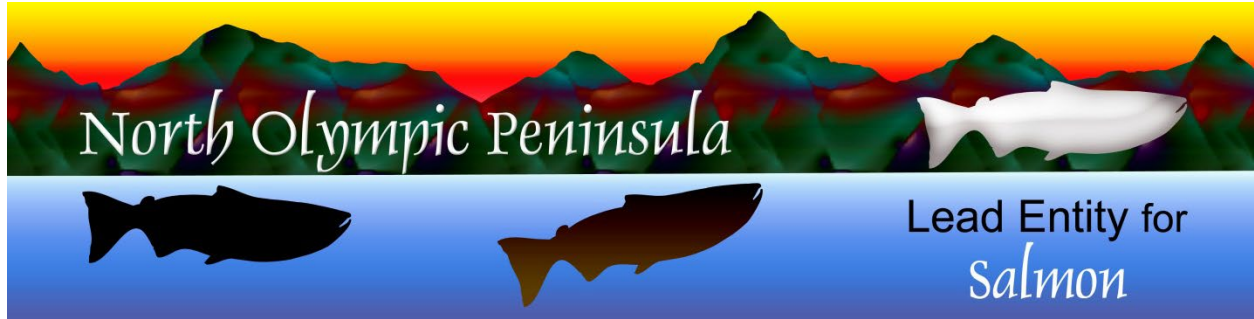
# FY2025 Federal Legislative Priorities for Salmon Recovery and Puget Sound Watershed Health

## *Lake Washington/Cedar/Sammamish Watershed (WRIA 8) Partners*

- **Support at least \$110 million in base funding for Pacific Coastal Salmon Recovery Fund (PCSRF) in Departments of Commerce and Justice, Science, and Related Agencies Appropriations Bill.** The PCSRF program is the primary federal funding for salmon recovery and supports annual grants for priority salmon habitat protection and restoration projects.
- **Support funding to advance design and construction of critical prioritized infrastructure repairs to the Hiram M. Chittenden (Ballard) Locks,** including design and construction of an exclusion structure for the saltwater drain intake system to keep adult salmon from becoming trapped and important upgrades and improvements to the fish ladder. **Advocate for the Corps' continued engagement in the multi-partner Lake Washington Ship Canal Roundtable process to identify and advance alternatives to address elevated water temperatures and low dissolved oxygen in the Ship Canal.**
- **Support key Puget Sound restoration funding programs and policy priorities, including:**
  - **\$57 million for Puget Sound Geographic Program in the U.S. Environmental Protection Agency.** This program provides key funding to support Puget Sound recovery priorities, implementation of voluntary actions, and adaptive management. Funding supports local and regional partner efforts, including ten local integrating organizations and seven Marine Resources Committees. The program supports innovative approaches to addressing stormwater, habitat, shellfish, flooding, water quality and quantity, and endangered species recovery, including Chinook salmon and Southern Resident orcas.
  - **\$50 million for National Estuary Program (NEP).** This is core program funding for Puget Sound Partnership and for competitive grants supporting implementation of priority Puget Sound recovery actions.
- **Support directing funding from the Infrastructure and Jobs Act and Inflation Reduction Act to priority habitat restoration and water infrastructure improvements in WRIA 8 and Puget Sound.** Several salmon recovery related priorities are identified for funding through recent federal investments. Aligning this funding with state and local project priorities and/or to flow through existing state programs supports and supplements existing salmon recovery priorities.



- **Support innovative efforts to streamline regulatory review and permitting to support habitat restoration project implementation.**
- **Support federal funding for research and management of stormwater to reduce impacts to salmon.** Stormwater is the largest source of pollution to the Puget Sound and much of the developed landscape does not have stormwater treatment. Chemicals from decaying tires, specifically 6PPD-quinone affect coho, Chinook, sockeye and steelhead. In particular, coho have been shown to be most sensitive and succumb to “urban runoff mortality syndrome” within hours of exposure. Federal funding is needed to support local governments in implementing critical stormwater retrofit projects to capture and treat toxic runoff. Federal infrastructure funding provides a once in a generation opportunity to effectively address stormwater management.
- **Support and create mechanisms to enable innovative funding approaches, including public-private partnerships, that engage federal agencies and private funding sources to implement projects, especially those under federal authority.**



**North Olympic Peninsula Lead Entity for Salmon**

Clallam County Courthouse  
223 E. Fourth Street, # 5  
Port Angeles, WA 98362  
360/417-2326

To Chair Breckel & Salmon Recovery Funding Board Members,

The North Olympic Lead Entity for Salmon works to advance salmon restoration and protection actions across the North Olympic Peninsula. Initiating government members include the Makah Tribe, Lower Elwha Klallam Tribe, and Jamestown S’Klallam Tribe along with Clallam County and the Cities of Sequim and Port Angeles.

Other participants include project sponsors, citizens, and non-profit organizations such as the North Olympic Salmon Coalition, Clallam County Conservation District and the North Olympic Land Trust.

In more than ten years of doing this work, project sponsors have made it abundantly clear that match is a very real challenge for them, whether the difficulty in finding appropriate match, reporting the match, and staying within required timelines and match parameters. Match can be particularly difficult for large scale projects such as acquisitions which sometimes become available quickly and can come with significant costs. Byzantine is the word that comes to mind when I think about the current match system.

I appreciate the Board’s initial desire to see project sponsors seeking additional funding to further stretch these valuable and limited resources. The reality is that most project sponsors require numerous funding sources now in order to have the funding needed to complete projects.

Thank you for your hard work in tackling this complex matter. I think it would speed implementation and free sponsor time to develop future projects if match requirements were waived.

Sincerely,

*Cheryl Baumann*

Cheryl Baumann,  
North Olympic Lead Entity for Salmon, Cell: 360-912-4152



November 27, 2023

Dear Chair Breckel, Salmon Recovery Funding Board members and Director Duffy,

I'm writing on behalf of the North Olympic Salmon Coalition, one of 14 Regional Fisheries Enhancement Groups in the state of WA. We have been implementing salmon recovery projects for nearly 35 years. **We are writing today to express our support for eliminating the match requirement in RCO's SRFB grants.**

Board of Directors

*Kathryn Neal*  
Chair

*Andy Brastad*  
Vice Chair

*Vern Bessey*  
Secretary

*Sarah Hadlock*  
Treasurer

*Hansi Hals*

*Don Dybeck*

*Jim Pearson*

**Matching funds create an enormous drain on a sponsor's ability to stay focused on the restoration work.** If, for each grant we secure, we need to secure a second grant for the sake of showing match, we've been forced into consuming precious staff resources all for demonstrating that another agency at the federal or local level also believes in our project. Let's say we need \$300,000 for a project. This amount is easily attainable in a local SRFB round. But since it requires about \$45K in match, we must write more grants for match. It can take from 40 to 100 staff hours to prepare a grant application and because we don't know if we'll get the grant we apply for as match, we often write two or three grants. Now it has cost us between 120 and 300 hours of grant writing and even then, we may come up empty handed for the small match requirement. This time could be better spent doing projects.

**Legislators, agency staff, board members, and our communities want to see work done efficiently and cost effectively. Writing grants for the sake of 'showing match' isn't efficient or cost effective.**

**Additionally, not all organizations or agencies have funding to be writing multiple grants to find match; SRFB funds are more accessible to more heavily resourced project sponsors, creating inequity in distribution of funds.**

We need project managers to stay focused on implementing projects on the ground. It is difficult it is to find skilled restoration practitioners. Especially skilled project managers who can lead the design and construction of our most highly impactful restoration projects. These are the people who need to be focused on implementation while also being the people who have the technical expertise to write the grants. **Every year, instead of having our highly skilled, difficult to replicate project manager managing projects, they are spending several weeks or even months' worth of time writing grants.** Some applications are strictly necessary to amass dollars needed for projects, **others are a frivolous exercise in obtaining money of a different color to meet match requirements.**

**We urge you to follow the lead of other state and federal agencies and drop the match requirement on RCO/SRFB contracts so sponsors can spend precious staff resources implementing salmon recovery actions that make a difference.**

**Thank you for your consideration of our comments on this important matter. And thank you for the important work you do as a board and staff. We are honored to be entrusted with doing our part to recover listed and non-listed salmonids on the North Olympic Peninsula of WA.**

Respectfully submitted on behalf of the NOSC Board of Directors,

A handwritten signature in black ink that reads "Rebecca Benjamin". The signature is written in a cursive style with a prominent initial "R".

Rebecca Benjamin  
Executive Director



*Making a difference for salmon*

December 4, 2023

Chair Breckel and members of the Salmon Recovery Funding Board,

Mid-Columbia Fisheries (MCF) urges you to remove SRFB/RCO match requirements from Salmon Recovery Funding Board grants. Match requirements are not having the positive impact originally envisioned. Instead, these requirements are diverting financial resources away from on-the-ground salmon recovery work. Rather than requiring match for individual grants, RCO could ask project sponsors to document leveraged funding, removing the punitive and costly requirements with simpler, voluntary reporting of full project costs and support.

In the last 20+ years, Mid-Columbia Fisheries has sponsored dozens of SRFB grants. Here are some examples of the negative impact of the current match requirements.

1. MCF spends Regional Fisheries Enhancement (RFEG) and other funding that could go towards salmon recovery to identify and seek alternative (non-SRFB) grants needed **solely** for SRFB match. This effort is a large part of our annual RFEG budget.
2. MCF spends significant SRFB grant funding to document required SRFB grant match. This is an expensive undertaking, requiring itemized documentation of dozens (sometimes hundreds) of small expenses. We need to ensure proper accounting and documentation of match for complex projects with multiple funders, each requiring separate match, and ensuring that we don't double-count any match. (We frequently have four or more separate grants to implement a single salmon recovery project.)
3. Because RCO caps the amount of "AAE" (administrative and engineering costs), we also need to be careful that most of the match for each individual grant is considered a "construction" rather than an "AAE" expense. If not, the AAE match will cause us to hit the AAE cap. This situation can be disastrous for our small non-profit since our administrative expenses to manage a grant become un-reimbursable once the AAE cap is reached.
4. Because of this and other factors, the match often arrives later in the project lifecycle (during the construction phase). This can cause our small organization to carry a large financial liability while we await the ability to document the match. In some cases, we have sought a match deferral, a process which is helpful but takes staff time from both RCO and the project sponsor.
5. If a project comes up short of match, our organization is not fully reimbursed for the project costs. This is a tremendous risk project sponsors, and especially to small non-profit sponsors.
6. Mid-Columbia Fisheries has identified projects that we cannot pursue due to a lack of match. These projects remain un-implemented.

All of these issues divert our attention and scarce financial resources from on-the-ground, salmon recovery actions to administrative bean-counting. The current system is dysfunctional. Match was envisioned to encourage others beyond SRFB to support salmon recovery. Instead, the requirements are

taking funding away from salmon recovery and causing these dollars to be spent on complicated accounting activities that provide little or no value.

We hope SRFB can join other funders (like Dept. of Ecology Clean Water Grants) in removing cumbersome match requirements. In SRFB's case, this decision will direct more resources to our shared mission of salmon recovery. At the same time, SRFB can find new ways of "telling the story" of the many organizations and sources that are working together to achieve salmon recovery goals.

Sincerely,

A handwritten signature in blue ink, appearing to read "Margaret Neuman". The signature is fluid and cursive, with a long, sweeping tail at the end.

Margaret Neuman  
Executive Director

# WATER RESOURCE INVENTORY AREA (WRIA 8) SALMON RECOVERY COUNCIL

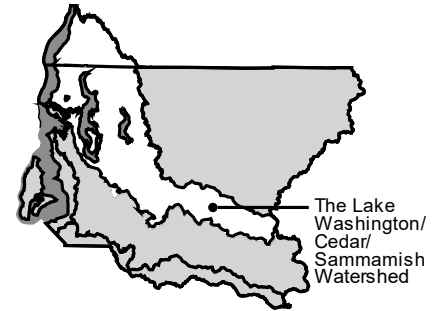


Beaux Arts Village  
Bellevue  
Bothell  
Clyde Hill  
Edmonds  
Everett  
Hunts Point  
Issaquah  
Kenmore  
Kent  
King County  
Kirkland  
Lake Forest Park  
Maple Valley  
Medina  
Mercer Island  
Mill Creek  
Mountlake Terrace  
Mukilteo  
Newcastle  
Redmond  
Renton  
Sammamish  
Seattle  
Shoreline  
Snohomish County  
Woodinville  
Woodway  
Yarrow Point

Alderwood Water and  
Wastewater District  
The Boeing Company  
Cedar River Council  
Environmental Science Center  
Friends of the Issaquah  
Salmon Hatchery  
Mid-Sound Fisheries  
Enhancement Group  
Mountains to Sound  
Greenway Trust  
National Oceanic and  
Atmospheric Administration  
Pilchuck Audubon Society  
Sno-King Watershed Council  
Trout Unlimited  
US Army Corps of Engineers  
Washington Departments:  
Ecology  
Fish and Wildlife  
Natural Resources  
Washington Association of  
Sewer and Water Districts  
Washington Policy Center

November 28, 2023

The Honorable Jay Inslee  
Office of the Governor  
PO Box 40002  
Olympia, WA 98504-0002



RE: Lake Washington/Cedar/Sammamish Watershed (WRIA 8) Salmon Recovery  
Council 2024 State Legislative Priorities

Dear Governor Inslee:

Thank you for your ongoing strong support for increased investment in salmon recovery to accelerate progress to meet state, regional, and local watershed recovery goals. These investments are a critical boost to salmon habitat restoration and scientific research to address data and information gaps. Your continued leadership is critical to ensuring we can continue our efforts—and Washington State's commitment—to protect and restore habitat for salmon listed as threatened under the Endangered Species Act and to support tribal treaty fishing rights. On behalf of the Lake Washington/Cedar/Sammamish Watershed (WRIA 8) Salmon Recovery Council, we urge you to reinforce and build on recent investments by supporting priority salmon funding programs and habitat restoration efforts, which improve fish passage in streams, support tribal treaty fishing rights, ensure adequate stream flows, protect public access to open space, and make our watersheds and communities resilient to a changing climate.

The state's investment in salmon recovery is enabling local watershed groups and the Puget Sound region to make significant progress on our highest priority projects. However, our state's salmon populations continue to decline. To reverse this trend, we need to sustain and build on the increased investment in salmon recovery. During the upcoming legislative session, we encourage you to accelerate this progress and momentum for salmon recovery and watershed health in Puget Sound and statewide.

Attached are the WRIA 8 Salmon Recovery Council's priorities for the 2024 state legislative session. We ask your support for the following:

## Budget Requests:

- **\$62 million for Salmon Recovery Funding Board** in the Recreation and Conservation Office budget, to fully fund the agency request in the 2023-2025 biennium capital budget and support implementation of critical salmon habitat protection and restoration projects.
- **\$11.2 million for the Estuary and Salmon Restoration Program** in the Washington Department of Fish and Wildlife budget, to fully fund the agency request in the 2023-2025 biennium and restore priority shoreline and nearshore habitats critical to salmon and other species.

- **Direct funding from State Climate Commitment Act – Natural Climate Solutions Account** to support:
  - Salmon habitat protection and restoration, including shorelines, riparian areas, and floodplains. Direct funds to existing key salmon recovery funding programs (e.g., Salmon Recovery Funding Board, Puget Sound Acquisition and Restoration, Floodplains by Design, Estuary and Salmon Restoration Program, etc.) and bolster recent investments in riparian area restoration.
  - Regional stormwater management goals identified by King County and partners, to support cross-jurisdictional coordination to strategically address toxic pollution from stormwater and seek multiple benefits from investments, including building stormwater parks and implementing green stormwater infrastructure (GSI) projects.

Priority policy and legislative issues:

- Support state agency budget requests for monitoring salmon populations, and for studies and management of issues affecting salmon survival, including predation, elevated water temperatures, artificial light at night, aquatic invasive weeds, and disease.
- Support streamlining regulatory review and permitting for habitat restoration projects, and increased funding to regulatory entities for permit enforcement of land use regulations.
- Support improving regulatory protections for areas that are important salmon habitat, including defining and implementing “net ecological gain,” and enhancing protection of riparian areas and lake and marine shorelines.
- Support Growth Management Act reforms that integrate salmon recovery and climate change into comprehensive planning and align with salmon recovery goals and targets.
- Support legislation and funding requests promoting stormwater management at a watershed scale, addressing critical information needs, and seeking innovative solutions to achieve multiple benefits from integrating stormwater management and salmon habitat protection and restoration. Support advancing research and policy/product changes to address impacts of the tire dust chemical 6PPD-quinone on salmon survival. Establish a dedicated funding source for local governments to implement stormwater retrofit projects.
- Increase investment in salmon recovery and Puget Sound restoration priorities through existing funding authorities, and support innovative funding approaches, including new watershed-based and/or regional funding mechanisms and public-private partnerships that engage state agencies and private funding sources to support multiple-benefit projects.
- Support outreach, education, and stewardship projects and programs that raise awareness, empower the next generation to continue salmon recovery and climate change mitigation work, and engage private landowners in using best available science to guide property management decisions.
- Align investments in equity and environmental justice with salmon recovery priorities to achieve benefits for salmon populations and human communities.
- Support efforts to address effects of climate change on salmon and salmon habitat.



WRIA 8 appreciates the challenges involved in making state budget decisions and applauds your leadership. Thank you again for your work to continue the commitment and investment in salmon and orca recovery, restoring a healthy Puget Sound, and mitigating climate change impacts.

If you have any questions about projects funded in WRIA 8 or how these priorities advance salmon recovery objectives, please contact Jason Mulvihill-Kuntz, WRIA 8 Salmon Recovery Manager, at 206-477-4780 or [jason.mulvihill-kuntz@kingcounty.gov](mailto:jason.mulvihill-kuntz@kingcounty.gov). Thank you for your consideration.

Sincerely,



John Stokes  
Chair, WRIA 8 Salmon Recovery Council  
Councilmember, City of Bellevue



Vanessa Kritzer  
Vice-Chair, WRIA 8 Salmon Recovery Council  
Councilmember, City of Redmond

Enclosure: WRIA 8 Salmon Recovery Council 2024 state legislative priorities for salmon recovery

cc: Laura Blackmore, Director, Puget Sound Partnership  
Megan Duffy, Director, Washington State Recreation and Conservation Office  
Hillary Franz, Director, Washington Department of Natural Resources  
Kelly Susewind, Director, Washington Department of Fish and Wildlife  
Laura Watson, Director, Washington Department of Ecology  
Justin Parker, Executive Director, Northwest Indian Fisheries Commission  
Nick Streuli, Executive Director of Policy and Outreach, Office of the Governor  
Ruth Musgrave, Natural Resources Policy Advisor, Office of the Governor  
Carrie Sessions, Natural Resources Policy Advisor, Office of the Governor  
David Schumacher, Director, Office of Financial Management  
Nona Snell, Assistant Director Budget Division, Office of Financial Management  
Jim Cahill, Senior Budget Assistant, Natural Resources, Office of Financial Management  
Matthew Hunter, Budget Assistant, Natural Resources, Office of Financial Management  
Jennifer Masterson, Senior Budget Assistant, Office of Financial Management  
Myra Baldini, Capital Budget Assistant, Office of Financial Management  
Jeff Breckel, Chair, Washington State Salmon Recovery Funding Board  
David Troutt, Chair, Puget Sound Salmon Recovery Council  
Erik Neatherlin, Executive Coordinator, Governor's Salmon Recovery Office  
Mike Lithgow, Chair, Washington Salmon Coalition  
Lake Washington/Cedar/Sammamish Watershed Salmon Recovery Council members  
Jason Mulvihill-Kuntz, Salmon Recovery Manager, Lake Washington/Cedar/Sammamish Watershed



# 2024 State Legislative Priorities for Salmon Recovery and Puget Sound Watershed Health

*Lake Washington/Cedar/Sammamish Watershed (WRIA 8) Partners*

## Supplemental Budget Requests

- **Support \$62 million for the Salmon Recovery Funding Board** to fully fund the agency request in the 2023-2025 biennium capital budget and implement critical salmon habitat protection and restoration projects.
- **Support \$11.2 million for the Estuary and Salmon Restoration Program** to fully fund the agency request in the 2023-2025 biennium and restore priority shoreline and nearshore habitats critical to salmon and other species.
- **Direct funding from State Climate Commitment Act – Natural Climate Solutions Account (RCW 70A.65.270) to support:**
  - **Salmon habitat protection and restoration**, including shorelines, riparian areas, and floodplains. Protecting and restoring salmon habitat mitigates impacts of climate change by addressing elevated water temperatures, improving groundwater recharge, reducing flood risk, and protecting against sea level rise. Directly fund existing salmon habitat protection and restoration programs, including Salmon Recovery Funding Board, Puget Sound Acquisition and Restoration, Floodplains by Design, riparian restoration, Estuary and Salmon Restoration Program, and Brian Abbott Fish Barrier Removal Board.
  - **Regional stormwater management goals as defined by the King County Stormwater Summit**, including: 1) Stormwater parks that treat polluted stormwater runoff, reduce water temperatures to support fish survival, and enhance access to open space and recreation opportunities in underserved areas; and, 2) Construction and operation of Green Stormwater Infrastructure (GSI) projects that reduce flood risks, reduce water pollution, and enhance green spaces in historically underserved communities.

## Policy Legislation

- **Support state agency budget requests for monitoring salmon populations, and for studies and management of issues affecting salmon survival**, including predation, elevated water temperatures, artificial light at night, disease, and other issues.
- **Support innovative efforts to streamline regulatory review and permitting to support habitat restoration project implementation.** Build on the Habitat Recovery Pilot Program at the Washington Department of Fish and Wildlife and the federal and state Multi-Agency Review Team to establish and support a coordinated and streamlined permitting process for ecologically beneficial projects.
- **Support legislation seeking to improve regulatory protections for important salmon habitat**, including proposals to define and implement “net ecological gain,” and regulatory improvements that enhance protection of riparian areas and lake and marine shorelines.
- **Support increasing funding to regulatory entities for permit enforcement of land use regulations.** Lack of adequate regulatory permit enforcement enables continued unpermitted development and loss of habitat and critical areas.
- **Support Growth Management Act reforms that integrate salmon recovery and climate change into comprehensive planning** and align with salmon recovery goals and targets.
- **Support legislation and funding requests promoting stormwater management planning, coordination, and implementation at a watershed scale, addressing critical data/information needs, and seeking innovative solutions to achieve multiple benefits from integrating stormwater management and habitat protection and restoration.** Support advancing research and policy/product changes to address impacts of the tire dust chemical 6PPD-quinone on salmon survival. Champion legislation that prioritizes implementation of low impact development, facilitates green stormwater infrastructure, and that supports retrofits to older stormwater facilities to improve protection of the environment at the watershed scale.
  - Seek a dedicated funding source for local government stormwater retrofits.
  - Create a new funding source or modify an existing one to support multiple benefit stormwater projects that integrate stormwater management and salmon habitat restoration (modeled on the Floodplains by Design funding program)
- **Support efforts to address effects of climate change on salmon and salmon habitat.** WRIA 8 recognizes that recovering salmon requires planning for and adapting to changing watershed conditions resulting from climate change. WRIA 8 supports policies and programs that address temperature impaired water bodies to improve salmon migration and survival, increase the pace of salmon habitat protection and restoration to improve ecosystem resiliency, and that mitigate projected effects of climate change on salmon.

- **Align investments in equity and environmental justice with salmon recovery priorities** to achieve benefits for salmon populations and human communities.
- **Support outreach, education, and stewardship projects and programs** that raise awareness, empower the next generation to continue salmon recovery and climate change mitigation work, and promote and engage private landowners in using best available science to guide decisions in how they manage their property to protect and restore important habitats and improve environmental conditions.
- **Increase investment in salmon recovery and Puget Sound restoration priorities through existing funding authorities, and support innovative funding approaches**, including new watershed-based and/or regional funding mechanisms and public-private partnerships that engage state agencies and private funding sources to support multiple-benefit projects.

**Executive Committee**

*Alicia Olivas  
Hood Canal Lead Entity*

*Amy Hatch-Winecka  
Deschutes WRIA 13 Salmon Recovery  
Lead Entity*

*Anna Geffre  
North Pacific Coast Lead Entity*

*Aundrea McBride, Vice Chair  
Skagit Watershed Council*

*Carrie Byron  
Lake Washington, Cedar, Sammamish  
Watershed (WRIA 8) Lead Entity*

*Denise Smee  
Lower Columbia Lead Entity*

*Lisa Spurrier  
Puyallup and Chambers Watersheds  
Salmon Recovery Lead Entity*

*Michael Horner  
Yakima Basin Fish & Wildlife Recovery  
Board Lead Entity*

*Mike Lithgow, Chair  
Kalispell-Pend Oreille Lead Entity*

*Tom Kollasch  
Pacific County Lead Entity*

**Members**

*Ali Fitzgerald  
Snake River Salmon Recovery Board*

*Ariel Edwards  
Upper Columbia Salmon Recovery  
Board Lead Entity*

*Ashley Von Essen  
Nisqually Lead Entity*

*Becky Peterson  
WRIA 1 Watershed Management Board*

*Cheryl Baumann  
N. Olympic Lead Entity for Salmon*

*Clea Barenburg  
Island County Lead Entity WRIA 6*

*Dani Driscoll  
Co-Lead for Stillaguamish Watershed  
Lead Entity*

*Gretchen Glaub  
Snohomish Lead Entity*

*Jason Murray  
WRIA 14 Lead Entity*

*Joe Schumacker  
Quinault Indian Nation Lead Entity*

*Kirsten Harma  
Chehalis Basin Lead Entity*

*Liz Zielinski (temporary)  
Klickitat County Lead Entity*

*Renee Johnson  
West Sound Partners for Ecosystem  
Recovery*

*Sam Whitridge  
San Juan Lead Entity*

*Suzanna Smith  
WRIA 9 Green/Duwamish and Central  
Puget Sound Watershed*



WASHINGTON  
**SALMON**  
COALITION  
Community-Based Salmon Recovery

November 27 2023

Dear Chair Breckel, Salmon Recovery Funding Board members and Director Duffy,

On behalf of the Washington Salmon Coalition, I would like to thank you for the opportunity to provide you with this Partner Report. We would like to draw your attention to the letter in your meeting materials that succinctly identifies the WSC position on the RCO match policy. This letter is being resubmitted in its original form to reiterate WSC's position on this important issue. Many of our Lead Entities have submitted additional comment letters on the match policy. These letters provide a more nuanced context to this complex issue.

We would also like to draw your attention to the Lead Entity project update section that is included in your meeting materials. The Lead Entities have been busy getting money on the ground and we feel it is important to highlight some of the individual successes that are happening every day.

Many of our Lead Entities and partners have submitted comments regarding the DRAFT riparian policy. We hope that those comments will be considered in your deliberations on this important new policy.

This is my last Board meeting as the Chair of the Washington Salmon Coalition. I have enjoyed my time as chair, and I have learned a lot along the way. Aundrea McBride (Skagit Watershed Council) will be the new Chair starting in January. Aundrea is an incredible Lead Entity Coordinator and the WSC is in capable hands. Thanks again for your support and we are looking forward to the next grant round!

Sincerely,

Mike Lithgow, Chair of the Washington Salmon Coalition

## **Gap to Gap Ecosystem Restoration Groundbreaking**

**Submitted by Michael Horner**

Yakima Recovery Board staff recently attended the groundbreaking ceremony for the [Gap to Gap Ecosystem Restoration Construction](#) project in Yakima. This project is made possible by a substantial SRFB investment and offers a rare opportunity to undertake a large-scale floodplain restoration [project](#) next to the City of Yakima along the mainstem of the Yakima River. It will reactivate the floodplain of the Gap to Gap reach, which will significantly increase salmon habitat diversity and productivity in the Yakima Basin. By restoring the river's natural floodplain processes, this project will reduce flood elevations and the risk of levee breaches and increase access to hundreds of acres of side channel spawning, rearing, and winter outmigration habitat for steelhead, Chinook and coho salmon and Pacific lamprey.

**Commented [AC1]:** It doesn't change flow levels at all; it just restores diverse floodplain habitats

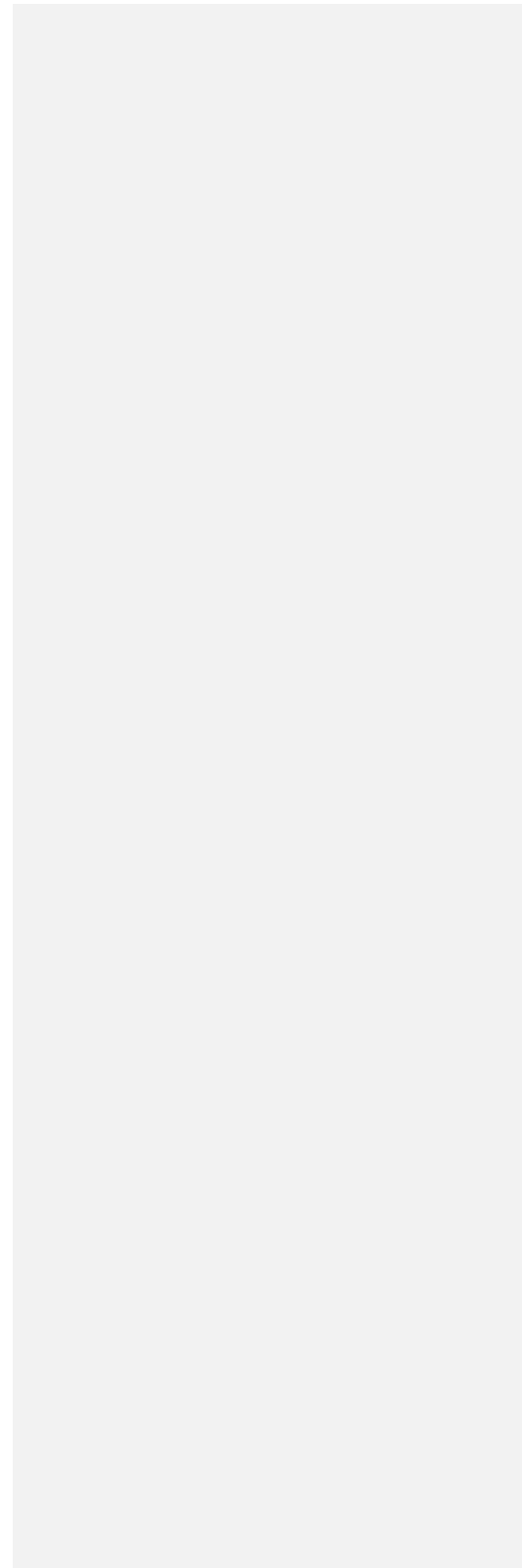
The project secured funding from the SRFB's Targeted Investments program, recognizing its importance to Chinook as a key prey stock for Southern Resident orca, as well as through the 2022 grant round for projects exceeding \$5 million in budget. Thanks to these investments, Yakima County and its city, federal, and tribal partners were able to quickly initiate three phases of this project.

Tasks involve removing levees along a 2.9-mile-long reach, regrading the floodplain, and reconnecting multiple side channels. When done the project will return dynamic river processes to over 700 acres while also reducing flood risk to adjoining developed areas and critical infrastructure like Interstate 82.

The SRFB's investments in Targeted Investments and large-scale projects made this possible. This project has received media attention from news outlets including the [Yakima Herald-Republic](#) and local NBC affiliate [KIMA](#), capturing the excitement it has generated in our community.



Aerial View of Gap to Gap Ecosystem Restoration





Local, State, Federal & Tribal Partners at the Groundbreaking.





December 7, 2023

**Support letter for eliminating SRFB match requirements**

Dear Chair Breckel and members of the Salmon Recovery Funding Board,

Thank you for allowing us to offer input as you consider alternatives to the current SRFB match requirements. The Board of Directors of the Yakima Basin Fish and Wildlife Recovery Board supports removing the match requirement for all project types.

The match requirement creates administrative barriers to implementing high quality fish habitat projects. Accounting for matching resources is challenging for sponsors and RCO staff, particularly for in-kind donations. Delayed access to matching funds delays project agreements and decreases sponsor capacity due to reduced cash flow. These barriers frequently discourage sponsors from seeking SRFB funding. Many landowners are also deterred from participating if they must provide matching funds or resources when other forms of match are unavailable. Removing the match requirement will resolve these barriers to project implementation.

The Recovery Board believes that the rigorous state and local review process already encourages high quality project proposals. There is no need for a match condition as an additional way to promote specific ends in salmon restoration.

These concerns are shared widely among stakeholders in salmon restoration. This stems from the understanding that the current match requirements hamper salmon restoration efforts. Thank you for the opportunity to weigh in on the decisions before you today.

Sincerely,

A handwritten signature in blue ink that reads "Adam Fyall". The signature is written in a cursive style with a horizontal line underneath.

Adam Fyall  
Chair



December 12, 2023

Jeff Breckel, Chair, Salmon Recovery Funding Board  
Salmon Recovery Funding Board Members  
Megan Duffy, Director, Recreation and Conservation Office

Dear Mr. Breckel,

Trout Unlimited (TU) appreciates the opportunity to submit comment for the December Salmon Recovery Funding Board Meeting in support the request to consider the “full match waiver” option as SRFB policy. Based on our experience, we share the belief that the current match requirement creates unnecessary administrative burden, that smaller projects could be completed more efficiently if the match requirement was removed, and that the current match requirement does not capture the amount of funding leveraged by SRFB projects.

TU has been implementing salmon recovery projects in and around Washington state rivers for nearly two decades and has received SRFB support for many of these projects. While our organization has successfully secured the required match for each RCO grant, we agree that match requirement creates an administrative burden and requires additional staff time and capacity ultimately. We also recognize that this additional burden reduces the percentage of funding available for project implementation.

As other sponsor organizations have pointed out, we agree that if the match requirement was waived lower cost salmon recovery projects could be completed with SRFB funds as the soles funding source. This would require less sponsor capacity and allow projects to be implemented more quickly and more efficiently.

We also agree that the current match requirement does not adequately represent the amount of funding being leveraged by SRFB projects and disincentivizes reporting project funding over the minimum required 15%. This has been TU’s approach for several projects where multiple funding sources are/were utilized. We see removing the match requirement as a viable way of showing SRFB’s contribution and the full funding amount leveraged by various sources and partners.

For these reasons, we support removing the 15% match requirement.

Thank you for your consideration,

Sincerely,

Crystal Elliot-Perez  
Washington State Director

## **COUNCIL OF REGIONS UPDATE for the SRFB's December 2023 Meeting**

Prepared by Alex Conley, Chair

The Council of Regions (COR) brings together the state's seven Salmon Recovery Regions to 1) share information among the regions, GSRO & RCO, 2) provide input to the Salmon Recovery Funding Board & 3) coordinate activities that address shared needs of the regional organizations. Since the last SRFB meeting:

1. Regions **worked with Nick Norton and other RCO staff to provide input on proposed SRFB match, large project proposal and riparian policies** before you for decisions today. Our heartfelt thanks go out to staff for their efforts to engage partners! We see the much of the feedback we have provided reflected in staff recommendations, but some regions may be offering additional feedback today.
2. **COR held a full day in-person retreat in Poulsbo** in October, which really helped us with strategic planning for our work in 2024. Special thanks to the GSRO, Director Duffy, and Chair Breckel for participating and helping make the meeting a success.
3. COR has **held monthly COR calls and organized COR participation** in groups such as SRNet and the Fish Barrier Removal Board. Huge thanks to RCO Director Duffy for her quarterly check-in calls and to Erik Neatherlin for organizing quarterly check-in calls with WDFW leadership.
4. The **four Columbia River Regions continue to meet monthly** to discuss and coordinate regional input on Columbia River policy and priorities with other state partners.
5. **The Lower Columbia Salmon Recovery Board and the Yakima Fish and Wildlife Recovery Board both presented to the Salmon Recovery Network** on recovery challenges and opportunities in their regions.

### **Specific Council of Regions Input for the September SRFB Meeting:**

**ITEM 4: RIPARIAN POLICIES:** The Regions appreciate the opportunities we have had to provide input as these guidelines were developed. Almost all of the issues we noted in earlier drafts have been addressed. We have one set of proposed edits to further clarify allowable instream and floodplain activities for the Board to consider if it so desires (see next page). This language would add floodplain grading and side channel reconnection to the potentially eligible activities, as long as they directly and significantly support the riparian restoration goals of the project. We believe that this proposed set of edits would further help assure that riparian restoration can succeed and be maintained by natural processes into the future.

**ITEM 6: MATCH:** The Council of Regions recommends that the SRFB waive match requirements but require documentation of cost-share sources and amounts. Regions note that under any option, they will continue to emphasize the importance of leveraged funds for projects, and are committed to working with sponsors to document, compile and communicate to decision makers how diverse funding sources come together to implement salmon recovery.

**ITEM 8: LARGE PROJECTS:** The Council of Regions appreciates the opportunities it has had to inform the development of the large project proposal before you today. The Regional Organizations looks forward to working with project sponsors and lead entities to implement this new program.

## Proposed Edit to Riparian Criteria on p8-9 of Item 4 in the 12/13 SRFB packet

### *Changed language highlighted*

#### Restoration: In-stream and floodplain habitats

Riparian planting is eligible within the active channel above baseflow to support restoration objectives. Additional eligible in-stream and floodplain work types are limited to the following:

- Beaver dam analogs
- Channel structure placement (anchored or unanchored log placement, post-assisted log structures, engineered log jams, large woody materials, root wads, anchored or unanchored rocks/boulders, weirs, gabions, flood fencing, deflectors/barbs)
- Streambank stabilization (see Manual 18, page 22 for additional criteria associated with streambank stabilization projects)
- Floodplain regrading including side channel reconnection, when it is focused on creating surface and subsurface flow conditions needed to support riparian restoration.

These additional work types are eligible for funding only under the following circumstances:

- The primary goal of the proposed project is to restore riparian function by supporting native riparian plant survival, and the proposed in-stream and floodplain elements directly and significantly supports riparian planting and/or natural regeneration.
- Application and existing designs clearly demonstrate why current conditions are not suitable for a planting-only project and show how the in-stream and/or floodplain activities restore riparian function or allow for increased riparian plant propagation and survival.
- The in-stream and/or floodplain elements meet current Appendix D design deliverable thresholds based on the amount requested for restoration and design, and construction will be completed by project closing.

Applicants planning to submit a project for riparian funding that involves in-stream and/or floodplain work types are highly encouraged to connect with their grant manager to ensure the project meets the eligibility requirements for this funding. Applicants must provide the required design deliverables associated with the in-stream and/or floodplain elements as part of a final application and before site visits. In-stream and/or floodplain elements may not be added to a 2023 project as part of refining a sponsor's scope of work.



12/11/2023

Salmon Recovery Funding Board  
Washington State Recreation and Conservation Office  
PO Box 40917  
Olympia, WA 98504-0917

*Sent via electronic mail to Julia McNamara, Board Liaison, at [julia.mcnamara@rco.wa.gov](mailto:julia.mcnamara@rco.wa.gov)*

RE: Snoqualmie Tribe's comments on the Watershed Restoration and Enhancement Plan Review Report (WREPRR) and match requirements for discussion at the December 13<sup>th</sup>, 2023 SRFB meeting

Dear Salmon Recovery Funding Board Members,

Thank you for the opportunity to review and provide comments on the Watershed Restoration and Enhancement Plan Review Report (WREPRR) and other topics.

The Snoqualmie Indian Tribe ["Tribe"] is a federally-recognized sovereign Indian Tribe and a signatory to the Treaty of Point Elliott of 1855 in which it reserved to itself certain rights and privileges, and ceded certain lands to the United States. As a signatory to the Treaty of Point Elliot, the Tribe specifically reserved to itself, among other things, the right to fish at usual and accustomed areas and the "privilege of hunting and gathering roots and berries on open and unclaimed lands" off-reservation throughout the modern-day state of Washington. Treaty of Point Elliot, art. V, 12 Stat. 928." The Snoqualmie Tribe was a member of the WRIA 7 (Snohomish) and WRIA 8 (Cedar-Sammamish) Watershed Restoration and Enhancement Planning Committees.

The Tribe previously provided comments to RCO on the WREPRR, and we appreciate that the review panel(s) recommended the inclusion of "mechanisms for monitoring, assessment, accountability, and adaptation to ensure successful implementation of the plan," which aligns with our comments on the prior draft. We believe that these elements will be critical to a successful implementation of offsets and achievement of Net Ecological Benefit for both WRIAs 7 and 8. However, we remain deeply concerned that the review panels for the various watershed plans being considered are applying different standards to different plans, resulting in a blatant inconsistency that will result in continued degradation of the Snoqualmie basin. We are referring to the double standard being applied to Managed Aquifer Recharge (MAR) projects across different plans.

The review panels for WRIAs 13 and 14 expressed their deep concern for MAR projects that divert natural surface flows (stream flow) and claim offset benefits for doing so, but the review panel for WRIA 7 did not apply the same logic and accountability. The Tribe shares this concern, and we point out that the same concerns relevant to the plans for WRIAs 13 and 14 must be applied equally to WRIA 7 for the Snoqualmie offset projects, including for the MAR projects, for equitable treatment of tribes and citizens across watershed boundaries.

The Current WREPRR (Item 5 in the meeting materials, Attachment A), contains the following language for WRIA 13:

While managed aquifer recharge facilities that accept stormwater or treated wastewater appear appropriate, managed aquifer recharge facilities that withdraw flow from streams rely on hydrologic manipulations of natural resources and natural processes that have questionable feasibility and benefits. (p. 14)

Alteration of natural stream hydrology is a high-priority limiting factor in WRIA 13. Streamflow is important for supporting riparian vegetation and wetlands that provide shading, wildfire breaks, food web support, and flood and sediment attenuation functions. Yet the plan's water offsets seem to rely on further alterations of natural stream hydrology instead of seeking solutions that reverse such alterations to offset permit-exempt well withdrawals. (p. 15)

The plan should use caution when replicating natural annual hydrographs through further manipulation of natural stream hydrography (i.e., stream withdrawals to source managed aquifer recharge projects). Instead, the plan should develop and evaluate projects that reduce alterations of natural stream hydrology and avoid further manipulation of natural stream processes. (p. 17)

Identical, or nearly identical language is included in the WREPRR for the WRIA 14 plan, which appears to have been reviewed by the same team. However, no such language is included for the WRIA 7 plan, which appears to have been reviewed by a different review team. The evaluations are clearly inconsistent given that the WRIA 7 plan commits 198 AFY of offset quantity to Snoqualmie MAR projects, all of which would be sourced from natural streamflow and would manipulate the natural stream hydrograph, including during months when native fish, including protected salmonids, are spawning. The Tribe continues to be deeply concerned that that these unstudied Snoqualmie MAR projects, to be built in active floodplains and channel migration zones, would actually result in ecological harm, rather than benefit. Any benefit from such projects remains "questionable," as the WRIA 13/14 reviewers put it, but the impacts of Permit Exempt Wells are certain, and are accruing. We share the concerns that the reviewers of the WRIA 13 and 14 plans have about MAR using natural streamflow, and we request that no comparatively relaxed double standard be applied to the Snoqualmie in WRIA 7, merely because a different set of reviewers may have

applied a different set of standards and/or values to the resources that the Snoqualmie people rely upon.

As concerns about manipulation of natural hydrologic systems are acknowledged in the plan review for WRIAs 13 and 14, the same concerns also apply to the Snoqualmie River Watershed Surface Water Storage offset project, which currently is associated with 77 AFY of offset credit. However, this too is based on unstudied project concepts with questionable benefits, and which rely upon manipulation of natural streamflow and natural hydrologic features. As described in the plan,

Ten potential water storage projects, ranging in capacity from 77 to 3,331 AFY, were selected for further analysis. These sites include off-channel storage reservoirs, on-channel storage reservoirs, and projects that would result in raising the level of an existing lake to create additional storage capacity. (March 2022 WRIA 7 WRE Final Plan from Ecology to SRFB)

Here, many of the same concerns apply regarding hydrologic manipulation, and about development within the floodplain and channel migration zone, apply as for those expressed for MAR above. The Tribe strongly believes that on-channel storage reservoirs will have negative ecological impacts and should not be considered part of an effort to achieve Net Ecological Benefit. For example, the “existing lake” being considered is a natural impoundment with documented beaver presence and valuable wetland features which would be impacted by the increased inundation that would result from the feature’s manipulation for increased “storage.” Off-channel storage reservoirs are another version of manipulating natural streamflow, a concern that was portrayed negatively by the WRIA 13/14 reviewers. The same concerns apply in the Snoqualmie and in WRIA 7. The Snoqualmie River basin hydrograph has been highly compromised by landscape and land management alteration, and by climate change. We believe that the best path forward for the Snoqualmie basin, and the path supported by Traditional Ecological Knowledge as well as Western science, is not to build more and higher manmade dams, but as the WRIA 13/14 reviewers urged: “Instead, the plan should develop and evaluate projects that reduce alterations of natural stream hydrology and avoid further manipulation of natural stream processes.”

Due to the concerns raised by the WRIA 13 and 14 reviewers, and by the Tribe (as well as other Committee members during the WRE Planning process), we request that the offset credit (198 and 77 AFY) for these projects be stricken from the WRIA 7 plan. This would help to restore consistency and equitable treatment between basins (and those who rely upon those basins, such as the Snoqualmie people) across the state. The benefits related to these projects are far too questionable and unstudied to be included, while the impacts of PEWs are certain. The Snoqualmie MAR and Snoqualmie Surface Water Storage projects would require hardening of shorelines, construction of infrastructure in active floodplains and channel migration zones, and diversion of natural streamflow out of rivers and streams—we would expect that this is not something the SRFB would want to support and condone, as these types of actions are clearly counter to a process-based restoration approach that is supported by TEK and Western science.

Regarding the proposal to waive matching funding requirements that is currently before the SRFB: the Tribe strongly encourages the Board to waive matching funding requirements for SRFB-funded projects. Tribal staff have experienced firsthand the additional work, cost, and lost opportunities that accompany grant fund matching requirements, from both project sponsor and project reviewer perspectives. We suggest that the entirety of the SRFB (and most other) grant review processes provides more than enough scrutiny and vetting to ensure the highest possible chances of project success and making good investments of scarce restoration dollars. From our experience and observations, eliminating matching requirements results in more grant funding going to project implementation and less going to project administration and overhead, the latter greatly increased to navigate matching requirements. Given the scarcity of restoration funding in relation to the massive, demonstrated need, we urge SRFB to eliminate the match requirement which will help project implementing partners to put more grant funds toward project features that truly support salmon recovery.

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in black ink, appearing to read 'Matthew J Baerwalde', with a long horizontal line extending to the right.

Matthew J Baerwalde  
Environmental Policy Analyst  
Environmental and Natural Resources Department  
Snoqualmie Tribe  
[mattb@snoqualmietribe.us](mailto:mattb@snoqualmietribe.us)  
425-495-4111



**From:** [Jason Lundgren](#)  
**To:** [McNamara, Julia \(RCO\)](#)  
**Cc:** [Kaylee Galloway](#)  
**Subject:** December 13 SRFB Meeting - match waiver feedback  
**Date:** Thursday, December 7, 2023 1:43:51 PM  
**Attachments:** [E0532C2BDB7042AB90C57CAD54F0E636.png](#)

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External Email

Hello SRFB,

I would like to voice our support to waive match requirements entirely from SRFB projects. As others like Puget Sound Partnership, Regional Fisheries Coalition, etc. have clearly articulated, match is a burden and can impede salmon recovery.

Nonprofits working on salmon recovery are often short on capacity to implement projects that are growing more complicated year after year, and tracking and reporting match is a significant workload for our project managers and administrative staff.

Match can feel punitive for sponsors because strains our cash flow if we're waiting to expend or document match.

Eliminating match will increase efficiency for project sponsors as well as RCO staff because it will streamline the billing and reimbursement process and reduce the number of amendments.

We are your partners in salmon recovery and appreciate your support!

Sincerely,

Jason Lundgren



Jason Lundgren  
Executive Director  
509.476.3444

*Working to improve conditions for our native fish through habitat restoration, community engagement, and education.*

December 13, 2023

Dear Chair Breckel, Salmon Recovery Funding Board members, and Director Duffy,

I am writing in my capacity as a staff member of the South Puget Sound Salmon Enhancement Group (SPSSEG) in support of a vote to eliminate match requirements on salmon recovery projects. I have worked as project manager for SPSSEG for 18 years and I lived through the many challenges that match brings to effective and efficient project implementation.

As you are all aware, projects have become progressively more complex since the inception of the Salmon Recovery Funding Board (SRFB) in 1999 and projects have evolved into expansive, landscape-scale efforts. I have seen great change over the span of my career and I know you have to. This is incredibly encouraging, and I feel as though we are standing on the precipice of finally seeing the positive response in salmon populations that we all so desperately seek. But, we also all know that we often are unable to complete projects at a rate that can offset ongoing pressures from development and climate change. I hear this statement echoed across the salmon recovery community and yet barriers to advancing projects to implementation that existed when I started this work in 2005 still exist. Furthermore, new barriers to implementation related to grant-making and permitting complexities seem to keep piling on.

The ability to make one simple change to remove a barrier to the success of salmon recovery rests squarely in your hands. Making a now change to eliminate match requirements will ease an administrative burden, remove a barrier to efficient project implementation, and open up access to funding for communities that might not be able to secure matching funds. You have been presented ample data to show that match is not serving its intended purpose and that it has become irrelevant in today's salmon recovery sphere since the vast majority of projects are leveraging SRFB dollars on an order that exceeds the 15% match requirement. You have also been presented ample data from the field that shows that match is a barrier to project implementation.

Washington State's Treaty Tribes are calling on the salmon recovery community to take bold actions to protect at-risk Treaty Rights resulting from ongoing habitat loss and a continuing decline of salmon numbers, asserting habitat is not being protected and restored at a rate fast enough to out-compete habitat loss. You have a decision before you today and an opportunity to take a simple step that will make a bold difference in the ability of the salmon recovery community to advance projects to implementation.

I thank you for your continued service to salmon recovery in Washington State. SRFB has been the backbone of salmon habitat restoration here for over 24 years. I respectfully request that you continue that support by making the decision to eliminate match.

Sincerely,

*Kristin Williamson*

Kristin Williamson



## SNOHOMISH BASIN SALMON RECOVERY FORUM

December 7, 2023

Dear Chair Breckel, Salmon Recovery Funding Board members, and Director Duffy,

The Snohomish Basin Salmon Recovery Forum appreciates this opportunity to provide our recommendation for your consideration in the discussion around match requirements at the December 13 Salmon Recovery Funding Board (SRFB) meeting.

The **Forum** is a citizens committee that includes tribal, city and county governments, state, and federal agencies as well as representatives from business, agriculture, recreation, and environmental interests. As the Lead Entity for Snohomish Basin salmon recovery, the Forum works collaboratively to protect and restore salmon habitat in the Basin by implementing and adaptively managing the scientifically supported recommendations detailed in the Snohomish River Basin Salmon Conservation Plan (Salmon Recovery Plan).

Match is a significant obstacle negatively impacting our project sponsor's ability to bring worthy restoration and protection projects to fruition. Match requirements often lead to time-consuming challenges, adding significant administrative burdens like additional grant writing, tracking, and reporting, that add to the complexity of designing, permitting, and implementing projects. The match requirements are especially challenging for our sponsors with limited resources who work with willing private landowners. Removing the match requirement will expedite salmon recovery, honor the public investment by increasing efficiency, help projects get on the ground faster, reduce administrative inefficiencies and improve the reporting of all leveraged dollars brought to salmon recovery projects.

Project sponsors will continue to leverage funding and in-kind match sources (e.g. volunteers) to implement their important work. After removing the matching requirements, the SRFB could require project sponsors to fully communicate in PRISM all the leveraged funds they are bringing to a project, giving the SRFB a broader picture of whole project costs.

Thank you for considering this proposed change on behalf of the Snohomish Basin Salmon Recovery Forum and the project sponsors we support.

Sincerely,

Ryan Miller, Tulalip Tribes  
Director, Treaty Rights and Government Affairs, Tulalip Tribes  
**Chair, Snohomish Basin Salmon Recovery Forum**

Cc: Snohomish Basin Salmon Recovery Forum Members



## REGIONAL FISHERIES COALITION

December 7, 2023

Dear Chair Breckel, Salmon Recovery Funding Board members, and Director Duffy,

Thank you for your service and continued support of salmon recovery efforts across Washington State. I am reaching out to you on behalf of the Regional Fisheries Coalition (RFC) representing Washington's fourteen Regional Fisheries Enhancement Groups (RFEs), independent nonprofits created by the State Legislature over 30 years ago to engage communities in restoring salmon populations. **We write today to express our strong support for eliminating the match requirement in RCO's SRFB grants.**

The community benefits of salmon recovery are clear – cleaner water, less flooding, more productive farmland, improved bridges and roads, healthier forests, rivers and shorelines, more wildlife habitat, and improved opportunities for fishing and outdoor recreation. Over the past 30 years, RFEs have completed 4,759 salmon restoration projects, including removing 1,043 fish passage barriers, opening 1,477 miles of habitat, and 2,389 miles of habitat enhancement and restoration. Additionally, over 92 million salmon have been released across the state. RFEs successfully leverage state funding with other grants, partner matches, and private donations, and will continue to do so. For every \$1 dollar received, RFEs secure an additional \$8, greatly amplifying the initial investment. RFEs also create jobs and support economic activity through restoration projects that require skilled engineers, contractors, and construction crews.

This important salmon recovery work would not be possible without RCO's SRFB grants, but in addition to more funding, project sponsor capacity is desperately needed to keep pace with the goals outlined in the Governor's Statewide Salmon Recovery Strategy. Match requirements are a financial barrier and administrative burden to salmon recovery partners, especially nonprofits like RFEs who are sponsoring and implementing often large and complex projects. RFEs operate on lean budgets with limited staff capacity, so removing match requirements will greatly improve process efficiency, reduce administrative costs, and expedite the completion of projects. Furthermore, removing match requirements will help make state funds more accessible to diverse entities doing the boots on the ground work in vulnerable, climate impacted, and rural communities, which in itself is a matter of equity. We encourage the SRFB to remove match requirements to ensure the equitable, efficient, and effective distribution of salmon recovery funds.

We appreciate your continued support and hope you will vote yes to waive match requirements. If you have any questions, please reach out to Kaylee Galloway at [kaylee@alloftheaboveconsulting.com](mailto:kaylee@alloftheaboveconsulting.com) or (360) 489-9192.

Sincerely,

Rachel Vasak, President  
Regional Fisheries Coalition

**Representing Washington's fourteen Regional Fisheries Enhancement Groups:** Nooksack Salmon Enhancement Association (Bellingham), Skagit Fisheries Enhancement Group (Mount Vernon), Sound Salmon Solutions (Mukilteo), Mid-Sound Salmon Enhancement Group (Seattle), South Puget Sound Salmon Enhancement Group (Olympia), Hood Canal Salmon Enhancement Group (Belfair), North Olympic Salmon Coalition (Port Hadlock), Pacific Coast Salmon Coalition (Forks), Chehalis Basin Fisheries Task Force (Elma), Willapa Bay Fisheries Enhancement Group (South Bend), Lower Columbia Fish Enhancement Group (Vancouver), Mid-Columbia Fisheries Enhancement Group (Ellensburg), Tri-State Steelheaders Salmon Enhancement Group (Walla Walla), and Cascade Fisheries (Wenatchee).



Phone (360) 412-0808  
Email [spsseg@spsseg.org](mailto:spsseg@spsseg.org)  
Web [www.spsseg.org](http://www.spsseg.org)

6700 Martin Way East Suite 112  
Olympia, Washington 98516

Match Reform

SRFB Meeting: Dec 13, 2023

Hello Chair Breckel, Director Duffy, and SRFB Members,


*Thanks!*

The South Puget Sound Salmon Enhancement Group (SPSSEG) strongly supports waiving match requirements for Salmon Recovery Funding Board (SRFB) grants. SPSSEG has been implementing SRFB funded restoration projects since 1991 and the size, scale, and complexity of projects have increased exponentially over the past two decades. Successful salmon recovery relies heavily on project sponsor capacity to coordinate with landowners, co-managers, lead entities, and regions to identify the funds needed to implement a project. Complicated and onerous match documentation is an unneeded administrative burden for sponsors and it doesn't add any additional value to projects.

All state-wide funding platforms for salmon recovery should consider removing match barriers that overlap and often compete with other similar grants that are on differing submittal and implementation timelines. We agree that capital funds approved by the legislature should be spent effectively and efficiently to implement priority salmon projects all across the state. Project sponsors must continue to seek and leverage private, local, state, and federal funds regardless of how much SRFB allocates to a funded project. These grant programs are meant to work together to support restoration and match should not penalize beneficial projects or sponsor capacity.

Unfortunately, sponsors across the state don't have equal access or the capacity to search and write several successful grant proposals that are needed to fund a project. Many grants usually target specific geographic regions and can take hundreds of staff hours to prepare. These costs are not reimbursed by any granting sources and rely on sponsors to selectively choose which matching grants to target. These grants programs are inundated with similar projects across a geographic area. In the end, salmon restoration is being slowed down and negatively impacted by these challenges. Please consider taking a bold step to waive SRFB match requirements and rely instead on leveraging all funds needed to restore salmon habitat. This will show the true value of grantors, stakeholders and partners working together.

Thank you-

  
Lance Winecka  
SPSSEG Executive Director



State of Washington  
DEPARTMENT OF FISH AND WILDLIFE

Mailing Address: PO Box 43200, Olympia, WA 98504-3200 · 360 902-2200 · TDD 360 902-2207  
Main Office Location: Natural Resources Building, 1111 Washington Street, Olympia, WA

December 13, 2023

Jeff Breckel, Chair, Salmon Recovery Funding Board  
Salmon Recovery Funding Board Members  
Megan Duffy, Director, Recreation and Conservation Office

The Washington Department of Fish and Wildlife (WDFW) appreciates the opportunity to submit comments regarding the Salmon Recovery Funding Board (SRFB) consideration of match requirements. WDFW recommends the policy choice that would remove match requirements for most project types as described in the “Partial Match Waiver Option” in the SRFB agenda. This option removes match completely for design, restoration, assessment, and monitoring projects, as well as acquisitions with less than 50% uplands and riparian planting projects that meet the Recreation and Conservation Office’s (RCO) existing standards.

WDFW is primarily interested in match waiver options that speed up the pace of salmon recovery actions, reduce administrative burden, and maximize the effectiveness of projects and project implementers. We acknowledge that acquisition and riparian projects may be valuable for salmon recovery even when they do not meet these standards for match waiver. Acquisitions come in many shapes and sizes, and often with substantial co-benefits for people and the environment; in order to avoid capping the maximum proportion of uplands allowed in SRFB grants we prefer to maintain a match requirement when substantial uplands are included. Similarly, riparian planting projects should meet current standards or be able to provide match.

We are hopeful that waiving most match requirements will improve our effectiveness in implementing projects towards salmon recovery. We encourage the SRFB and RCO to ensure that the full cost of projects (including non-SRFB funds) is tracked and reported.

Thank you for your dedicated work towards salmon recovery and the opportunity to submit comments.

Sincerely,

Margen Carlson,  
Director of Conservation Policy

December 12, 2023  
Jeff Breckel, Chair  
Salmon Recovery Funding Board  
Recreation and Conservation Office

**RE: Eliminating Match**

Dear Chair Breckel, Salmon Recovery Funding Board members and Director Duffy,

The WRIA 13 Deschutes Salmon Habitat Recovery Lead Entity appreciates this opportunity to submit the following comments for your consideration in the discussion around match requirements at the December 13, 2023 Salmon Recovery Funding Board (SRFB) meeting.

The project sponsors have decades of combined experience in meeting salmon recovery goals through the SRFB grant program, as well as many other grants and funding pathways. It is increasingly evident that the requirement for match funding for most SRFB grants is not functioning as the legislature intended and is in fact undermining our salmon recovery efforts. We would like you to reconsider the “no match” option as a SRFB policy. Our rationale is outlined below:

- Match creates an administrative burden. Piecing together multiple grants not only slows salmon recovery, but also uses a large amount of Lead Entity capacity. Lead Entity Coordinator, Citizen Groups, Technical Committees, RCO staff and the SRFB Technical Review Panel all put time into reviewing the project proposals. If match is not obtained in the first few years after a SRFB grant is received, the investment in development and review of the SRFB project is lost. Often, that investment will then be repeated when the sponsor applies for the grant again. This time spent duplicating efforts is time better spent on forwarding other projects that benefit salmon around the state.
- The original intent for match is no longer relevant. Projects have demonstrated “skin in the game”, in every area of our state, even though it may not always show up through accounting. Countless hours are dedicated to project development by non-profits, volunteer citizen committees, and sponsor organizations. In the 25 years since the Salmon Recovery Act, it is clear that our stakeholders and communities are committed to salmon recovery. There is no need to demonstrate this through the inefficient administrative task of a match requirement.
- Removing a match requirement will help complete projects more quickly and get us closer to recovery more rapidly. At the May, 2023 SRFB meeting, SRFB members were concerned some projects would be funded entirely by SRFB, but in our view, this is a huge benefit. Those projects are able to be implemented quickly without spending years seeking and tracking additional resources.

We propose removing the match requirement for all types of projects applying through the SRFB. Removing the match requirement for all project types will help projects get on the ground, be completed sooner, and reduce administrative inefficiencies without reducing local investment in salmon recovery. Please consider removing match requirements for all types of SRFB grants. We look forward to this conversation and would appreciate the opportunity to work with staff on this important policy change.

Thank you for your consideration. Don't hesitate to reach out if you would like any clarification on these comments.

If you have questions, please feel free to contact me. Thank you in advance of your consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read 'A. Hatch-Winecka', with a stylized flourish at the end.

Amy Hatch-Winecka, WRIA 13 Lead Entity Coordinator, Senior Planner

[hwamy@trpc.org](mailto:hwamy@trpc.org)

360.741.2524





# METHOW SALMON RECOVERY FOUNDATION

SOLUTIONS WITH LASTING VALUE

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December 11, 2023

Jeff Breckel, Chair, Salmon Recovery Funding Board  
Salmon Recovery Funding Board Members  
Megan Duffy, Director, Recreation and Conservation Office

REFERENCE: MATCH WAIVER PROPOSAL

Dear Mr. Breckel,

Methow Salmon Recovery Foundation (MSRF) appreciates the opportunity to provide written comment on the proposed match waiver proposal being considered by the Salmon Recovery Funding Board on December 13.

MSRF has been working to implement salmon recovery projects in the Methow basin for more than 2 decades, and has received RCO support for many of those projects. While MSRF has been successful in securing the needed 15% match for each past RCO grant, the increasing size and complexity of our projected projects will likely increase the effort needed to satisfy a match requirement.

As other Project Sponsors have also pointed out, a match requirement creates an administrative burden and requires project sponsors spend additional time and capacity seeking and managing multiple grants, which often reduces the percentage of funding available to implement projects.

Match creates an administrative burden. Sponsors currently spend additional time and capacity seeking additional funding sources, managing multiple grants, adjusting to various grant timelines and inputting financial information in PRISM. This adds complexity to project administration that is not easily navigated and can lead to delays in project implementation. Furthermore, agency staff must also spend time with LE's and project sponsors to explain, coordinate, and adjust funding to ensure all the match pieces line up.

My understanding is that match was originally intended to showcase where Project Sponsors have secured support to leverage SRFB awards. While this made sense on the early smaller projects, the majority of projects now require Sponsors seek funding from multiple state, federal and private funding streams in order to raise adequate resources to implement them.

For these reasons, we support the SRFB adopt the match waiver.

Respectfully,

A handwritten signature in blue ink, appearing to read 'Chris Johnson'. The signature is stylized and somewhat abstract, with several loops and flourishes.

Chris Johnson  
Executive Director, MSRF

# Stillaguamish WATERSHED Council

## SWC Members

*City of Arlington*  
Mike Wolanek

*City of Stanwood*  
Kevin Hushagen

*Evergreen Fly Fishing Club*  
Curt Kraemer

*Mainstem Stillaguamish*  
Eric Hanson

*North Fork Stillaguamish*  
Bill Blake

*Pilchuck Audubon Society*  
Allen Gibbs

*Pilchuck Creek*  
Molly Fay

*Pilchuck Tree Farm*  
Allen Staringer

*Skagit Conservation District*  
Vacant

*Snohomish Conservation District*  
Linda Lyshall

*Snohomish County Council*  
Nate Nehring

*Snohomish County Conservation and Natural Resources -SWM*  
Erik Stockdale

*South Fork Stillaguamish*  
Ben Curley, Co-Chair

*Stillaguamish Flood Control District*  
Chuck Hazleton

*Stillaguamish River At Large*  
Nick Bright

*Stillaguamish Tribe*  
Jason Griffith, Co-Chair

*Sound Salmon Solutions*  
Mary Brueggeman

*Tulalip Tribes*  
Kurt Nelson

*US Forest Service*  
Richard Vacirca

*Warm Beach Christian Camp*  
Kelly Wynn

*Washington Dept. of Ecology*  
Sarah Yeppez

*Washington Dept. of Fish & Wildlife*  
Kirk Lakey

*Washington Farm Forestry Association*  
Duane Weston

*Wild Fish Conservancy*  
Doug Hennick

December 12<sup>th</sup>, 2023

Attn: Jeff Breckel, Chair, Salmon Recovery Funding Board members and Director Duffy

### **RE: Match requirements considerations**

Hello Chair Breckel, Salmon Recovery Funding Board members and Director Duffy:

The Stillaguamish Watershed Council (SWC) appreciates this opportunity to provide our recommendation for your consideration in the discussion around match requirements at the December 13<sup>th</sup> Salmon Recovery Funding Board (SRFB) meeting. Match is an obstacle for every Lead Entity and project sponsor. We would like to recommend that the SRFB remove the match requirement for all project types. Removing the match requirement will expedite salmon recovery efforts, honor the public investment by increasing efficiency, and improve the reporting of all leveraged dollars brought to salmon recovery projects.

The apparent original purpose of match was to ensure wide consideration and support for a proposal, so the primary funding agency could be assured that other entities agreed that a project was a good investment of funds. But the system of project evaluation has developed substantially in the last several decades and now is so intense, and involves so many people and organizations, that the idea that matching funds are needed to show project benefit is outdated.

Removing the match requirement will eliminate the costly and time-consuming process of assembling match funds and will result in faster project completion. Decreasing the administrative burden required by match allows sponsors to utilize their capacity for project implementation. Sponsors will continue to leverage outside funding to complete SRFB funded projects because Lead Entity allocations are rarely sufficient to pay for a whole project. But they would be able to do so with greater freedom than they now enjoy.

If the SRFB decided to remove matching requirements, it still could require project sponsors to fully communicate in PRISM all the leveraged funds they are bringing to project, giving the SRFB a broader picture of whole project costs.

Thank you for considering this proposed change on behalf of the Stillaguamish Watershed Council.

Sincerely,



Jason Griffith  
Co-Chair, Stillaguamish Watershed Council

**Executive Committee**

*Alicia Olivas  
Hood Canal Lead Entity*

*Amy Hatch-Winecka  
Deschutes WRIA 13 Salmon Recovery  
Lead Entity*

*Anna Geffre  
North Pacific Coast Lead Entity*

*Aundrea McBride, Vice Chair  
Skagit Watershed Council*

*Carrie Byron  
Lake Washington, Cedar, Sammamish  
Watershed (WRIA 8) Lead Entity*

*Denise Smee  
Lower Columbia Lead Entity*

*Lisa Spurrier  
Puyallup and Chambers Watersheds  
Salmon Recovery Lead Entity*

*Michael Horner  
Yakima Basin Fish & Wildlife Recovery  
Board Lead Entity*

*Mike Lithgow, Chair  
Kalispell-Pend Oreille Lead Entity*

*Tom Kollasch  
Pacific County Lead Entity*

**Members**

*Ali Fitzgerald  
Snake River Salmon Recovery Board*

*Ariel Edwards  
Upper Columbia Salmon Recovery  
Board Lead Entity*

*Ashley Von Essen  
Nisqually Lead Entity*

*Becky Peterson  
WRIA 1 Watershed Management Board*

*Cheryl Baumann  
N. Olympic Lead Entity for Salmon*

*Clea Barenburg  
Island County Lead Entity WRIA 6*

*Dani Driscoll  
Co-Lead for Stillaguamish Watershed  
Lead Entity*

*Gretchen Glaub  
Snohomish Lead Entity*

*Jason Murray  
WRIA 14 Lead Entity*

*Joe Schumacker  
Quinault Indian Nation Lead Entity*

*Kirsten Harma  
Chehalis Basin Lead Entity*

*Liz Zielinski (temporary)  
Klickitat County Lead Entity*

*Renee Johnson  
West Sound Partners for Ecosystem  
Recovery*

*Sam Whitridge  
San Juan Lead Entity*

*Suzanna Smith  
WRIA 9 Green/Duwamish and Central  
Puget Sound Watershed*



WASHINGTON  
**SALMON**  
COALITION  
Community-Based Salmon Recovery

November 27 2023

Dear Chair Breckel, Salmon Recovery Funding Board members and Director Duffy,

On behalf of the Washington Salmon Coalition, I would like to thank you for the opportunity to provide you with this Partner Report. We would like to draw your attention to the letter in your meeting materials that succinctly identifies the WSC position on the RCO match policy. This letter is being resubmitted in its original form to reiterate WSC's position on this important issue. Many of our Lead Entities have submitted additional comment letters on the match policy. These letters provide a more nuanced context to this complex issue.

We would also like to draw your attention to the Lead Entity project update section that is included in your meeting materials. The Lead Entities have been busy getting money on the ground and we feel it is important to highlight some of the individual successes that are happening every day.

Many of our Lead Entities and partners have submitted comments regarding the DRAFT riparian policy. We hope that those comments will be considered in your deliberations on this important new policy.

This is my last Board meeting as the Chair of the Washington Salmon Coalition. I have enjoyed my time as chair, and I have learned a lot along the way. Aundrea McBride (Skagit Watershed Council) will be the new Chair starting in January. Aundrea is an incredible Lead Entity Coordinator and the WSC is in capable hands. Thanks again for your support and we are looking forward to the next grant round!

Sincerely,

Mike Lithgow, Chair of the Washington Salmon Coalition



December 11, 2023

**Feedback on the Large Project Proposal before the SRFB on December 13**

Dear Chair Breckel and members of the Board,

The Yakima Basin Fish and Wildlife Recovery Board appreciates the robust discussion between RCO leadership, staff and the regional organizations regarding the large project solicitation before you today. This proposed solicitation and the Targeted Investment policy it is built on come together to create a well-crafted program that we are excited to support. We are actively working with project sponsors and our local review committees to prepare for the proposed large grant program. It's truly exciting to see the large projects sponsors are getting ready to apply for!

Our support for the development of a large project list for consideration by the legislature assumes that there is an equally robust ask for the regular SRFB grant program. The regular grant program remains the best fit for most recovery projects, with its quicker turnaround and its strong tie to local communities and region-specific recovery strategies. Significantly increasing the regular SRFB grant round funding level remains the best way to get salmon recovery priorities implemented on the ground for all but the largest projects.

As a regional organization, we will be ranking the large project submissions from our area. We support adding a criteria to the existing Targeted Investments criteria that would award points in the statewide evaluation that are based on the regional ranking (e.g. 10 pts to a regions #1 ranked project, 6 points to a #2 ranked project and 3 points to a #3 ranked project). This would help ensure that regional priorities are considered as part of the statewide ranking and increase the likelihood that projects from across the state are well-represented on the project list- something essential for the legislative strategy behind the large project list.

Thank you for the opportunity to provide input on the new large project grant round.

Sincerely,

A handwritten signature in blue ink that reads "Adam Fyall". The signature is written in a cursive style with a horizontal line underneath.

Adam Fyall  
Chair